



THE SCHOOL LAW
OF
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THE
SCHOOL LAW OF ONTARIO:

COMPRISING

THE EDUCATION DEPARTMENT ACT, 1891; THE PUBLIC
SCHOOLS ACT, 1891; THE ACT RESPECTING TRU-
ANCY AND COMPULSORY SCHOOL ATTEND-
ANCE; THE HIGH SCHOOLS ACT, 1891,
AND THE AMENDING ACTS OF
1892 AND 1893;

WITH

NOTES OF CASES BEARING THEREON, THE REGULA-
TIONS OF THE EDUCATION DEPARTMENT,
FORMS, ETC.

BY

WILLIAM BARCLAY McMURRICH, M.A.

One of Her Majesty's Counsel

AND

HENRY NEWBOLT ROBERTS

Of Osgoode Hall, Barrister-at-Law

Toronto:

THE GOODWIN LAW BOOK AND PUBLISHING COMPANY (LIMITED)

1894

Entered according to Act of the Parliament of Canada in the year one thousand eight hundred and ninety-four by WILLIAM BARCLAY McMURRICH, M.A., Q.C., and HENRY NEWBOLT ROBERTS, in the Office of the Minister of Agriculture.

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Toronto:
The J. E. Bryant Company (Ltd.)
Printers

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TO
THE HONORABLE GEORGE W. ROSS, LL.D.
MINISTER OF EDUCATION FOR THE PROVINCE OF ONTARIO
IN RECOGNITION OF
HIS LONG CONNECTION WITH, AND ZEAL IN, EDUCATIONAL MATTERS,
HIS EXECUTIVE ABILITY AND STATESMANSHIP IN
THE CONDUCT OF HIS DEPARTMENT
THIS WORK
IS, WITH HIS PERMISSION, RESPECTFULLY
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- " 144. Fourth and fifth lines from bottom, *for* Sutherland *v.* East Missouri *read* Sutherland *v.* East Nissouri.
- " 207. Ninth line from bottom, *for* s. 81 (3) *read* s. 82 (3).
- " 220. Second line from top, *for* D.R., s. 6, s-s. 16 *read* D.R., s. 7, s-s. 16.
- " 237. Third line from top, *for* s. 40 (2) *read* s. 40 (13).
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PREFACE.

There are but few persons who are not interested more or less in the law relating to the school system of the Province of Ontario, and quite a large number whose position as members or officers of School Boards, inspectors, or teachers, necessitates constant reference by them to the statutes under which the system is carried on.

The duties imposed by statute both upon trustees and teachers are so varied, and the provisions regulating the same scattered through so many Acts, that the want has for some time been felt of a work that would bring all the provisions of the various statutes into proper relations the one with the other; and taking advantage of the recent consolidation of the Public Schools Act, the editors have endeavored to supply this want in a manner which they trust will prove of practical use to the Profession, and a helpful facility to school trustees, officers, inspectors, and teachers, in enabling them to perform their duties and obligations in the manner provided by law.

The Regulations of the Education Department having, under *The Education Department Act*, 1891, the force of law, special attention has been given, and care taken, to have them revised to date of publication, and their correctness is assured from the fact of the proof sheets having received their final revision at the hands of The Honorable the Minister of Education.

An Appendix provides all the forms required under the several Acts, and a set of By-Laws has been introduced to enable School Boards throughout the Province to adopt the same, or such part thereof as may be of use in the carrying out of their work. They are modelled after those of the Toronto Public School Board, which have lately been thoroughly revised, and have been found of great practical value by that Board.

The Index is a feature of the work which it is hoped will be fully appreciated. It has been made thoroughly exhaustive, and covers, it is hoped, every head arising under, or bearing upon, the several statutes.

The editors submit the result of their labors with great diffidence, aware that many defects may, and not improbably will, be found in their work, but trusting that it will meet with indulgence, and perhaps favorable criticism, at the hands of those who use it.

The editors feel under deep obligations to The Honorable the Minister of Education for undertaking the revision of the proof sheets, and for his many and valuable suggestions as to the work. They are also indebted to Dr. J. George Hodgins for his kindness in placing at their disposal his "Lectures on School Law."

W. B. McM.

H. N. R.

OSGOODE HALL, January 31st, 1894.

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Public School Trustees to report to Truant Officers cases of truancy or expulsion, p. 249.

Semi-annual reports of High School Trustees to Department of Education due, p. 274.

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Notice of formation of new school sections to be posted by township clerk six days before last Wednesday, p. 35.

THE EDUCATION DEPARTMENT
ACT, 1891.

55 *Victoria, Chapter 54.*

AN ACT CONSOLIDATING AND REVISING THE
LAWS RESPECTING THE EDUCATION DE-
PARTMENT.

HER MAJESTY, by and with the advice
and consent of the Legislative Assembly
of the Province of Ontario, enacts as follows:—

The British North America Act, 1867, gives the
Province of Ontario power to make laws in relation to
education, subject to certain provisions.

Section 93 of that Act enacts as follows:—

“In and for each Province the Legislature may
exclusively make laws in relation to Education, sub-
ject and according to the following provisions:—”

“(1). Nothing in any such law shall prejudicially
affect any right or privilege with respect to de-
nominational schools which any class of persons
have by law in the Province at the Union.”

The provisions of this sub-section protect those legal
rights and privileges only which existed in each Province at
the Union by virtue of positive legal enactment, and not
privileges enjoyed under exceptional and accidental cir-
cumstances. At the Union the law with respect to the

schools in the Province of New Brunswick was governed by the Parish School Act, under which no class of persons had any legal right or privilege with respect to denominational schools, and a subsequent Act—34 Vict., c. 21—providing that the schools conducted thereunder should be non-sectarian, was therefore held to be valid. The constitutionality of the Act 34 Vict., c. 21, cannot be affected by any regulations of the Board of Education, made under its authority; and, *semble*, if the Board of Education have made any regulations which they ought not to have made, or have not made regulations which they should have made, the case falls within sub-section 4 of the B.N.A. Act. (*Ex parte Renaud*, 1 Pugs. 273.)

“(2). All the powers, privileges, and duties at the Union by law conferred and imposed in Upper Canada on the separate schools and school trustees of the Queen's Roman Catholic subjects shall be and the same are hereby extended to the dissentient schools of the Queen's Protestant and Roman Catholic subjects in Quebec:”

“(3). Where in any Province a system of separate or dissentient schools exists by law at the Union, or is thereafter established by the Legislature of the Province, an appeal shall lie to the Governor-General in Council from any Act or decision of any Provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to Education.”

A Provincial Legislature may legislate in regard to separate schools, provided that the rights or privileges with respect to denominational schools which any class of persons had by law in the Province at the time of Confederation are not prejudicially affected by such legislation. The above sub-section gives an appeal in respect of those decisions alone which are legislative acts, or their equivalents, and not in respect of matters affecting merely the everyday detail of the working of a school. In election

matters separate schools have the same right of appeal to a County Judge as public schools have. (*Separate School Trustees of Belleville v. Grainger*, 25 Chy. 570.) Secs. 1, 2.

"(4). In case any such Provincial law as from time to time seems to the Governor-General in Council requisite for the due execution of the provisions of this section is not made, or in case any decision of the Governor-General in Council on any appeal under this section is not duly executed by the proper Provincial authority in that behalf, then and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial laws for the due execution of the provisions of this section and of any decision of the Governor-General in Council under this section."

See *Ex parte Renaud*, 1 Pugs. 273, cited above.

1. This Act may be cited as *The Education* Short title.
Department Act, 1891.

2. There shall continue to be a Department Department established.
of Education, which shall consist of the Executive Council, or a committee thereof, appointed by the Lieutenant-Governor; and one of the said Executive Council, to be nominated by the Lieutenant-Governor, shall hold the office of "Minister of Education."

This Department was established in 1876 by Statute 39 Victoria, c. 16, s. 1. Previous to that statute all matters regarding education were managed by the Council of Public Instruction, the head of which was the Chief Superintendent of Education, whose functions and duties are now vested in the Minister of Education.

Sec. 3.

Schools to be
established
under regula-
tions of Depart-
ment.

8. There may be established, subject to the provisions of any statute in that behalf and to the regulations of the Education Department, the following classes of schools, viz.:—

Kindergarten
schools.

(1). Kindergarten schools for pupils between four and seven years of age in which instruction shall be given according to Kindergarten methods.

See *The Public Schools Act, 1891*, s. 107 (5); D.R., ss. 44 and 45.

Public schools.

(2). Public schools for pupils between five and twenty-one years of age in which instruction shall be given in the elements of an English and commercial education.

See *The Public Schools Act, 1891*.

Night schools.

(3). Night schools for pupils over fourteen years of age who are unable to attend school during the usual school hours.

See *The Public Schools Act, 1891*, s. 107 (5); D.R., s. 11.

High schools
and collegiate
institutes.

(4). High schools and collegiate institutes for such pupils as pass the prescribed entrance examination, in which instruction shall be given in the higher branches of a practical English and commercial education, the natural sciences, mathematics, and the Greek, Latin, French, and German languages.

See *The High Schools Act, 1891*, 55 Vict., c. 57.

Art schools.

(5). Art schools for instruction in mechani-

cal, industrial, and constructive drawing, and other branches of a technical education. Sec. 3.

See *The Act respecting Mechanics' Institutes and Art Schools*, R.S.O., 1887, c. 173.

(6). County model schools for the training of candidates for teachers' third-class certificates Model schools.

See *The Public Schools Act, 1891*, s. 146; D.R., s. 47.

(7). Normal schools for the training of candidates for teachers' second-class certificates. Normal schools.

See D.R., s. 57.

(8). Schools of pedagogy for the training of candidates for teachers' first-class certificates, and for the training of teachers of high schools and collegiate institutes. Schools for training teachers.

See D.R., ss. 63 and 64.

(9). Teachers' institutes for the reading of papers and the general discussion of educational topics. Teachers' institutes.

See *The Public Schools Act, 1891*, s. 147; D.R., s. 73.

(10). Mechanics' institutes for the establishment of libraries, reading rooms, and evening classes for mechanics and artisans. Mechanics' institutes.

See *The Act respecting Mechanics' Institutes and Art Schools*, R.S.O., 1887, s. 173.

(11). Industrial schools for the instruction in industrial pursuits, with a special view to their moral reformation, of children whose habits render removal from their homes necessary. Industrial schools.

See *The Industrial Schools Act*, R.S.O., 1887, c. 213.

Sec. 4.

Powers of Department to make regulations as to certain matters.

4. The Educational Department shall have power, subject to the provisions of any statute in that behalf, to make regulations :—

(1). For the classification, organization, government, and examination of all schools and institutes in the preceding section mentioned, and for the equipment of schoolhouses and the arrangement of school premises.

(2). For the authorization of text-books for the use of pupils attending such schools or institutes, and for the selection of books of reference for the use of teachers and pupils, and school libraries.

(3). For determining the qualifications and duties of inspectors, examiners, and teachers of such schools and institutes, and for the appointment from time to time of such examiners as may be requisite for that purpose.

(4). For the payment of the pensions of superannuated inspectors and teachers, and the proper distribution of all moneys set apart by the Legislative Assembly for school purposes.

(5). For extending on the petition of a board of school trustees, and on such evidence as to efficiency as may be deemed necessary, any third-class certificate issued under the authority of *The Public Schools Act*.

(6). For the study of agriculture and for scientific instruction as to the nature of alco-

holic stimulants and narcotics with special reference to their effect upon the human system. **Secs. 4, 5.**

5. The Education Department shall have ^{Powers of Department.} power:—

(1). To appoint inspectors of high schools, separate schools, and county model schools, masters of normal and model schools, and directors of teachers' institutes.

(2). To affiliate with the schools of pedagogy such high schools or collegiate institutes as may be necessary for practical instruction in the art of teaching.

(3). To determine the fees to be paid by candidates at departmental examinations.

(4). To accept, in such subjects as may be deemed expedient, the examination of any university in the British dominions in lieu of the departmental examinations.

(5). To prescribe such forms for school registers and departmental reports as may be deemed expedient.

(6). To accept, on passing the annual departmental examination, the professional or training certificate of any normal school or other training institution in the British dominions.

(7). To set apart a separate school in any county as a model school for the training of teachers for separate schools, and in such case, or where from the special circumstances of the separate schools in any county it may

Secs. 5, 6, 7, be deemed expedient, to appoint one competent person possessing the qualifications prescribed by *The Public Schools Act*, to be a member of the county board of examiners of such county in addition to the number now authorized, and who shall possess and discharge the like powers and duties as the other members of the said board.

Annual report
to be made by
Minister of
Education.

6. The Minister of Education shall report annually to the Lieutenant-Governor upon all the schools and institutes herein mentioned, with such statements and suggestions for promoting education generally as he may deem useful and expedient.

Minister may
submit ques-
tions arising
upon school
law to High
Court.

7. The Minister of Education shall have power to submit a case on any question arising under *The Public Schools Act*, or *The High Schools Act*, or under *The Separate Schools Act*, to any Judge of the High Court for his opinion and decision, or, with the consent of such Judge, to a Divisional Court of the said High Court for its opinion and decision.

Power to
settle disputes
and com-
plaints.

8. The Minister of Education shall have power to decide upon all disputes and complaints laid before him the settlement of which is not otherwise provided for by law, and upon all appeals made to him from the decision of any inspector or other school officer.

Regulations
and Orders in
Council to be
laid before
Legislative
Assembly.

9. (1). Every regulation or order in council made under this Act, or under the Public, Separate, or High Schools Acts, shall be laid before the Legislative Assembly forthwith if

the Legislature is in session at the date of such regulation or order in council, and, if the Legislature is not in session, such regulation or order in council shall be laid before the said House within the first seven days of the session next after such regulation or order in council is made. Secs. 9, 10,
11.

(2). In case the Legislative Assembly at the said session, or, if the session does not continue for three weeks after the said regulation or order in council is laid before the House, then at the ensuing session of the Legislature, disapproves by resolution of such regulation or order in council, either wholly or of any part thereof, the regulation or order in council, so far disapproved of, shall have no effect from the time of such resolution being passed.

10. Chapter 224 of the Revised Statutes of Ontario, 1887, is repealed, and this Act shall be deemed to be substituted therefor.

11. Except as provided in sections 5 and 7 of this Act, nothing in this Act contained shall be deemed, taken, or construed as in any manner or for any purpose altering, varying, or affecting any power, right, or authority which, before the passing of this Act, was by law vested in or held, had, or possessed by the Minister of Education, or the Department of Education, in respect either of Roman Catholic Separate Schools, or of any matter or thing whatsoever pertaining to or affecting said Separate Schools. Powers of
Minister as to
separate
schools not
affected.

See sections 5 and 7.

BIBLIOTHEQUE DE DROIT

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LAW LIBRARY

THE PUBLIC SCHOOLS ACT, 1891.

54 Victoria, Chapter 55.

AN ACT CONSOLIDATING AND REVISING THE PUBLIC SCHOOLS ACTS.

This Act is the final revision of the many Acts and Amendments thereto heretofore passed. The following is the legislation since the original School Act of 1841 :—

4 and 5 Vict., cap. 18—An Act for establishing a permanent fund for the support of Common Schools.

7 Vict., cap. 9—An Act (amending the above Act) for the better establishment and maintenance of Common Schools in Upper Canada.

12 Vict., cap. 83—An Act for the better establishment and maintenance of Public Schools in Upper Canada and for repealing the present School Act.

12 Vict., cap. 200—An Act to set apart land to form a fund for Common School purposes.

13 Vict., cap. 48—An Act for the better establishment and maintenance of Common Schools in Upper Canada. This is the Upper Canada School Act of 1850, and seems to be the first consolidation of Acts relating to Common Schools previously passed.

14, 15 Vict., cap. 111—An Act for the purpose of removing doubts as to section 19 of the previous Act.

16 Vict., cap. 182—An Act providing for deficiency in school rates.

16 Vict., cap. 185—A supplemental Act relating to boards of school trustees in cities, towns, and incorporated

villages. This Act was repealed as to Roman Catholics by 18 Vict., cap. 131.

18 Vict., cap. 121—An Act to provide means for the sale of lands held for the purposes of Public Educational Institutions in Upper Canada, when such lands cannot be conveniently used for such purposes.

18 Vict., cap. 131—An Act to amend the laws relating to Separate Schools in Upper Canada.

18 Vict., cap. 132—An Act to make further provision for the Grammar and Common Schools of Upper Canada.

C.S.U.C., cap. 64—An Act respecting Common Schools in Upper Canada.

23 Vict., cap. 49—An Act to amend the Upper Canada Common Schools Act.

32 Vict., cap. 44—An Act to amend the Act respecting Common Schools in Upper Canada.

34 Vict., cap. 33—An Act to improve the Common and Grammar Schools of the Province of Ontario.

35 Vict., cap. 22—An Act relating to arrears due upon Common School lands sold previously to July 1st, 1867.

40 Vict., cap. 16—An Act to amend the several Acts respecting the Education Department, Public and High Schools, and the University of Toronto.

R.S.O., 1877, cap. 204—*The Public Schools Act*.

41 Vict., cap. 20—An Act respecting Union School Sections.

42 Vict., cap. 34—An Act respecting Public, Separate, and High Schools.

43 Vict., cap. 32—An Act respecting certain amendments to the Public Schools Act.

44 Vict., cap. 30—An Act for further improving the School Law.

46 Vict., cap. 3—An Act to provide for the final settlement of the Common School Fund.

47 Vict., cap. 44—An Act to amend the Act respecting Public, Sep rate, and High Schools.

48 Vict., cap. 49—An Act to amend and consolidate the Public Schools Act—*The Public Schools Act, 1885*.

Sec. 1. 50 Vict., cap. 39—An Act to amend the Act respecting Public Schools.

R.S.O., 1887, cap. 225—*The Public Schools Act*.

52 Vict., cap. 51—An Act to amend the Public Schools Act.

53 Vict., cap. 71—An Act to amend the Public and Separate Schools Act.

The Public Schools Act, 1891, together with the regulations of the Department of Education and the decisions of the Superior Courts regarding Public Schools, may be said to compose the School Law of the Province of Ontario.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

As to power of Legislative Assembly to make laws in regard to education, see remarks before section 1 of *The Education Department Act*.

Short title.

1. This Act may be cited as *The Public Schools Act, 1891*.

The marginal note to the section of a statute forms no part of the statute itself, and is not binding as an explanation or construction of the statute. (*Claydon v. Green, Green v. Claydon*, L.R. 3 C.P. 511; *Sutton v. Sutton*, 22 Ch.D. 511.) But apparently the headings of the different portions of the statute may be referred to in order to determine the sense of any doubtful expression in a section ranged under any particular heading. (*Hammersmith and City R.W. Co. v. Brand*, L.R. 4 H.L. 171; *In re Kinnear and Haldimand*, 30 Q.B. 398; *R. v. Currie*, 31 Q.B. 582; *Laurie v. Rathbun*, 38 Q.B. 255; *In re Niagara High School Board and the Corporation of Niagara*, 39 Q.B. 362.)

But the Legislature has now declared that the marginal notes, and the headings in the body of the Act, and the references at the foot of the several sections thereof (which

have been omitted from this work), form no part of the statute, and have been inserted for convenience of reference only. (50 Vict., c. 2, s. 1.) **Secs. 1, 2.**

2. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:— **Interpretation.**

An interpretation clause in an Act should be understood to define the meaning of the words interpreted in cases where there is nothing in the Act opposed to or inconsistent with that meaning. (*Midland R. W. Co. v. Ambergate, Nottingham, etc., R. W. Co.*, 10 Hare 359.) The meaning of particular words in an Act, in the absence of express definition, is to be found, not so much in a strict etymological propriety of language, nor even in popular use, as in the subject or occasion on which they are used, and the object that is intended to be attained. (*Rex v. Hall*, 1 B. & C. 136; *The Lion*, L.R. 2 P.C. 525.) The intention of the Legislature must be ascertained from the words of the Act, and not from any general inferences to be drawn from the nature of the objects dealt with. (*Fordyce v. Bridges*, 1 H.L. Cas. 1; *Logan v. Earl Courtown*, 13 Beav. 22.) If the words are of themselves precise and unambiguous, then no more can be necessary than to expound those words in their natural and ordinary sense. (*Sussex Peerage Case*, 11 Cl. & F. 85.) Each word must be interpreted according to its legal meaning, unless the context shows that the Legislature has used it in a popular or more enlarged sense. (*Stephenson v. Higginson*, 3 H.L. Cas. 638.) The Act should be construed according to the ordinary and grammatical sense of its language, if there be no inconsistency apparent in its provisions. (*Smith v. Bell*, 10 M. & W. 378; *Phillpott v. St. George's Hospital*, 6 H.L. Cas. 338.) Where the intention of the Legislature can be collected from the Act itself, words may be modified, altered, or supplied, so as to obviate any repugnancy to or inconsistency with such intention. (*Quin*

Sec. 2. v. *O'Keefe*, 10 Ir. C.L.R. 393; *Charlesworth v. Ward*, 31 Q.B. 94.) It is the most natural and genuine exposition of an Act to construe one part by another. (*R. v. Mallow Union*, 12 Ir. C.L.R. 35.) The general words of a statute are not to be so construed as to alter the previous policy of the law, unless no sense or meaning can be put on the words consistently with the intention of preserving the existing policy untouched. (*Minet v. Leman*, 20 Beav. 269; *O'Flaherty v. McDowell*, 6 H.L. Cas. 142.) In construing Acts which infringe on the common law, the state of the law before the passing of the Act must be ascertained to determine how far it is necessary to alter the law in order to carry out the object of the Act. (*Swanton v. Goold et al.*, 9 Ir. C.L.R. 234.) The general law of the country is not to be altered or controlled by partial legislation made without any special reference to it. (*Denton v. Lord Manners*, 4 Jur. N.S. 151; *ib.*, 724; *Attorney-General v. Earl Powis*, 1 Kay 186.) *Primâ facie*, the proper mode of construction is to apply the same interpretation to terms used in a by-law which is applied to the same terms in the Act under the powers of which the by-law is framed. (*Blashill v. Chambers*, 14 Q.B.D. 479.) Difficulties sometimes arise owing to a conflict between general and particular Acts of Parliament. If the particular Act gives in itself a complete rule on the subject in hand, the expression of that rule would undoubtedly amount to an exception of the subject-matter of the rule, not of the general Act. (*Ex parte St. Sepulchres*, 33 L.J. Ch. 372; *London, Chatham, and Dover R.W. Co. v. Board of Works of Wandsworth*, L.R. 8 C.P. 185; *Taylor v. Corporation of Oldham*, 4 Ch.D. 395; *Bentley, Rotherham, and Kimberworth Local Board of Health*, 4 Ch.D. 588.) In dealing with a statute which proposes merely to repeal a former statute of limited operation, and to re-enact the provisions in an amended form, the court is not necessarily to presume an intention to extend the operation of those provisions to classes of persons not previously subject to them, unless the contrary is shown, but is to determine on the whole statute, considered with reference to the sur-

rounding circumstances, whether such an intention existed. **Sec. 2.**
(*Brown v. McLachlan*, L.R. 4 P.C. 550.)

(1). "Teacher" shall mean any person holding a legal certificate of qualification.

This certificate is made an indispensable qualification, and must be possessed by the teacher, not only at the time of his engagement, but during the whole period he is engaged in teaching school (s. 134). Should the certificate held be suspended for inefficiency, misconduct, or a violation of this Act, or of the regulations of the Education Department, the teacher can no longer act until such suspension has been removed (s. 144). Certificates of qualification are ranked as first, second, and third class (s. 140). The first two are granted by the Minister of Education on the report of examiners appointed by the Education Department; the last by the County Board of Examiners (s. 141). Such certificates are only granted to persons who are of good moral character, are at least eighteen years of age, natural born or naturalized subjects of Her Majesty, and who have passed the examination prescribed by the Education Department (s. 140).

(2). "County" shall include a union of "County" counties.

(3). "Township" shall include unions of "Township" townships made for municipal purposes.

(4). "School site" shall mean such area of land as may be necessary for the school building, teacher's residence, caretaker's residence, offices, and playgrounds connected therewith.

The regulations of the Education Department require the school site to be on a well-travelled road, as far removed as possible from a swamp or marsh, and so elevated as to admit of easy drainage. The school grounds should be

Sec. 2. properly levelled, drained, and fenced; and there should also be some means of procuring good water. Its area should not be less than half an acre in extent, and, if the school population of the section exceeds seventy-five, the area should be one acre. There are also requisites as to water-closets (D.R., s. 1). Sections 64 to 80 show the mode of securing and changing rural school sites.

"School section."

(5). "School section" shall mean the municipality or any portion thereof, or any portion of two or more municipalities under one Public School corporation.

As to the formation of school sections in townships, see section 12; in unorganized townships, sections 41 to 53; of union school sections, sections 85 to 94.

Every township council has the power to pass by-laws to unite existing school sections, or alter their boundaries, or divide an existing school section into two or more sections, or to unite portions of an existing school section with another section or with any new section (s. 81).

"Owner."

(6). "Owner" shall include a mortgagee, lessee, or tenant, or other person entitled to a limited interest, and whose claims may be dealt with by arbitration as herein provided.

See, as to meaning of word "owner," *Gilchrist v. Tobin*, 7 C.P. 141; *Hopkins v. Provincial Ins. Co.*, 18 C.P. 74; *McDougall v. McMillan*, 25 C.P. 75; *Chatillon v. Canadian Mutual Ins. Co.*, 27 C.P. 450.

Provision is made where an owner refuses to sell land selected for a school site, or for the enlargement of school premises, for fixing the price of such land by arbitration (s. 67).

"Ratepayer."

(7). "Ratepayer" shall mean any person entered on the last revised assessment roll of the school section for Public School rates.

A "ratepayer" is a person who pays taxes, whether resi-

dent within the limits of the municipality to whom the same **Secs. 2, 3, 4, 5.**
are payable or not (*Reg. v. North Curry*, 4 B. & C. 953).
But a ratepayer must be a resident in order to be eligible
for election as a trustee (s. 15, s. 98).

8. "Board of trustees" shall include a ^{"Board of trustees."}
board of education in all cases of a union
between Public and High School trustees.

As to Boards of Education, see section 8 of this Act,
and section 4 of *The High Schools Act, 1891*, 54 Vict.,
chapter 57.

The union of Public and High School Boards is now
unlawful (s. 8, s-s. 5; 54 Vict., c. 57, s. 4, s-s. 5).

3. All regulations made under the *Act* ^{Application of regulations under Rev. Stat., c. 224.}
respecting the Education Department shall
apply to any matter or thing in this Act con-
tained, so far as the same may be consistent
with this Act, though not specially referred to
in any section thereof.

See Departmental Regulations, Appendix.

As to the statutory power of the Education Department
to make these regulations, see *The Education Department*
Act, 1891, 55 Vict., c. 54, s. 4.

4. Nothing in this Act authorizing the levy- ^{No rate on supporters of Roman Catholic separate schools.}
ing or collecting of rates on taxable property
for Public School purposes shall apply to
the supporters of Roman Catholic Separate
Schools.

The manner of levying and collecting rates from the
supporters of Roman Catholic separate schools is provided
for by *The Separate Schools Act*, R.S.O., 1887, c. 227.

5. All unions of Public and High School ^{Existing school arrangements continued.}
trustees, all boards of education, and all
Public School sections or other Public School

Secs. 5, 6, 7. divisions, together with all elections and appointments to office, all agreements, contracts, assessments, and rate-bills heretofore duly made in relation to Public Schools, and existing when this Act comes into force, shall be subject to the provisions of this Act.

Trustees, term
of office of.

6. The term for which each school trustee holds office at the time this Act takes effect shall continue as if such term had been created by virtue of an election under this Act.

In rural districts the term of office for a trustee is three years (s. 14); in cities, towns, and incorporated villages, the term is two years, half the trustees retiring annually (ss. 100, 101).

Trustees to be
a corporation.

7. The trustees of every school section shall be a corporation under the name of "The Board of Public School Trustees for School Section of the Township of in the County of ."

"A corporation is an artificial being—invisible, intangible, and existing only in contemplation of law. Being the mere creature of law, it possesses only those properties which the charter of its creation confers upon it, either expressly or as incidental to its very existence. These are such as are supposed best calculated to effect the object for which it was created. Among the most important are immortality (in a legal sense), that it may be made capable of indefinite duration, and, if the expression may be allowed, individuality—properties by which a perpetual succession of many persons are considered the same, and may act as a single individual. They enable a corporation to manage its own affairs, and to hold property without the perplexing intricacies, the hazardous and endless necessity, of perpetual conveyances for the purpose of transmitting

it from hand to hand. It is chiefly for the purpose of clothing bodies of men in succession with these qualities and capacities that corporations were invented and are in use. By these means a perpetual succession of individuals are capable of acting for the promotion of the particular object, like one immortal being." Per Marshall, C J., in *Dartmouth College v. Woodward*, 4 Wheat. 636. See *Baby v. Baby*, 5 Q.B. 510; *Standly v. Perry*, 3 S.C.R. 536. Acts done in excess of their express or implied powers are absolutely void. (*Richmond v. Front of Leeds and Lansdowne*, 8 Q.B. 567; *Campbell v. Corporation of Elma*, 13 C.P. 296; *Minas' Ditch Co v. Zellerbach*, 37 Cal. 543.)

Secs. 7, 8.

The Interpretation Act of Ontario declares that "words making any association or number of persons a corporation or body politic and corporate shall vest in such corporation power to sue and be sued, contract and be contracted with, by their corporate name, to have a common seal, and to alter or change the same at their pleasure, and to have perpetual succession, and power to acquire and hold personal property or movables for the purposes for which the corporation is constituted, and to alienate the same at pleasure; and shall also vest in any majority of the members of the corporation the power to bind the others by their acts; and shall exempt the individual members of the corporation from personal liability for its debts or obligations or acts, provided they do not contravene the provisions of the Act incorporating them." (R.S.O., 1887, c. 1, s. 8, s-s. 25.)

A court of equity has jurisdiction to order persons wrongfully claiming to be school trustees to deliver up the corporate seal and papers to the legal trustees. (*Re Roman Catholic School of Belleville v. Granger*, 25 Chy. 570.)

BOARDS OF EDUCATION.

8. (1). The union of the trustees of any Public and High School for the joint management of the Public and High Schools of any municipality shall form one corporation, under

Unions of
public and
high school
boards.

Sec. 8. the name, "The Board of Education for the city, town, incorporated village, or township of" (*as the case may be*). Boards of education shall have the power of trustees of both Public and High School trustees. A majority of the members shall form a quorum.

Under *The High School Amendment Act, 1865*, it was provided (s. 5) that in all cases of the union of high and common school trustee corporations, all members of both corporations should constitute a joint board. Under that clause, of which the above section is materially a copy, it was held that a joint board of grammar and common school trustees are a corporate body capable of contracting and being sued, though the separate existence of each continues; and they were held liable, therefore, for the work done upon a contract made by them with the plaintiff for an addition to the schoolhouse. (*Oliver v. The Union Board of School Trustees of Ingersoll*, 29 Q.B. 409.)

A board of education can change the site for a school and purchase another without a by-law or resolution of the County Council, or the approval of the Lieutenant-Governor in Council. (*Moffatt v. Board of Education of Carleton Place*, 5 A.R. 197.)

That part of the above section which confers on the joint board the powers of each board means the powers possessed by each board for the purpose for which such board was created before the creation of the joint board. (*In re The Board of Education of the Town of Perth and the Corporation of the Town of Perth*, 39 Q.B. 34.)

And where a board of education resolves that a certain sum should be levied on a certain high school district within their jurisdiction, to cover the expense of building, furnishing, etc., for the purposes of the high school, the board of education, *i.e.*, the joint board, and not the high school board, is the proper party to make the requisition for such sum. (*Ib.*; *Re Board of Education of Village of Morrisburg and the Municipal Corporation of the Township of Winchester*, 8 A.R. 169.)

A member of the municipal council of the municipality or county in which a high school is situated cannot serve as a member of a board of education. (54 Vict., c. 57, s. 12, S.S. 2.)

Sec. 8.

(2). If at any meeting of a board of education, called for that purpose, a majority of all the members thereof vote in favor of the dissolution of any board of education, such board shall be dissolved on and after the close of the current calendar year.

Dissolution of
boards of
education

(3). In case any board of education is dissolved, all members of such board of education who were elected on behalf of the Public School shall be the board of trustees for such Public School to hold office for the full term of their election, or until their term expires, according to the provisions of this Act.

Trustees
representing
public school
to continue in
office.

(4). In the case of such dissolution as aforesaid all school property held by the joint corporation for Public School purposes shall be vested in the Public School board of trustees, subject to any trust for High School purposes attached thereto, and any other property held or possessed jointly by the corporation before dissolution shall be divided as may be agreed upon by the trustees of the High School and Public School respectively at a meeting called for that purpose. If no division is made within six months after this Act takes effect then the division shall be made forthwith by the council of the municipality within which the Public School is situated.

Disposition of
property on
dissolution.

Secs. 8, 9.

Union boards
illegal
hereafter.

(5). It shall not be lawful for the trustees of any Public School to unite hereafter with the trustees of any High School to form a board of education.

This section and the sub-sections thereof are materially the same as section 4 of *The High Schools Act, 1891*, and the sub-sections thereof.

PUBLIC SCHOOLS TO BE FREE.

Public schools
to be free.

9. (1). All Public Schools shall be free schools, and every person between the age of five and twenty-one years shall have the right to attend some school. Pupils may attend Kindergarten Schools from four to seven years of age.

School age.

The courts will not grant a mandamus to compel the admission of a child to a public school where it is shown that there is not accommodation, for this is a valid answer to an application for admission, especially where it is shown that there is sufficient accommodation at another public school in the same town; or that the application for admission is not made in the regular and proper way prescribed under the Regulations of the Education Department. (*Dunn v. The Board of Education of the Town of Windsor*, 6 O.R. 125; *In re Hutchison and the School Trustees of St. Catharines*, 31 Q.B. 274.)

Under present legislation, compulsory attendance at school being necessary (54 Vict., cap. 56), and public school trustees being obliged to provide adequate accommodation (s. 40, s-s. 3), it would appear as if every child within the school age has the right to attend as provided under above section, unless prevented from attending under the provisions of *The Public Health Act*, R.S.O., 1887, chapter 205, and even then can be readmitted on section 94 of that Act being complied with.

If there is no accommodation in the school which a

Sec. 9.

child has the right to attend, or if within two miles from the residence of a child under ten years of age, or within three miles from the residence of a child over that age, there is no school, the parent or guardian of such child is not liable to any of the penalties prescribed by the Act respecting Truancy and Compulsory School Attendance, 55 Vict., c. 56, s. 4, s-s. 3, 4.

Children within the school age, belonging to a class for whom a separate school has been established under *The Separate Schools Act*, R.S.O., 1887, cap. 227, will not be admitted under above section if such separate school is being carried on. (*In re Hill v. The School Trustees of Camden and Zone*, 11 Q.B. 573; *In re Stewart and The Trustees of School Section 8 of the Township of Sandwich East*, 23 Q.B. 634; *In re Hutchison and the School Trustees of St. Catharines*, 31 Q.B. 274)

Any pupil, once admitted to school and duly registered, shall attend at the commencement of each term and continue in attendance regularly until he is withdrawn by notice to the teacher to that effect. (D.R., s. 7, s-s. 5.)

Section 2 of 55 Vict., c. 56, provides that all children between eight and fourteen years of age have to attend school for the full term during which the school in the section in which they reside is open each year, unless excused under the provisions of section 4 of said Act.

Pupils in cities, towns, and incorporated villages shall attend such school as may be designated by the trustees, and no transfer from one school to another shall be allowed without their consent. (D.R., s. 7, s-s. 10.)

In public schools pupils shall be given instruction in the elements of an English and commercial education (55 Vict., c. 54, s. 3, s-s. 2). Kindergarten schools are those in which instruction shall be given in kindergarten methods (*Ib.*, s. 3, s-s. 1). As to their establishment, see *The Education Department Act, 1891*, s. 3.

(2). In any school section where the property of a non-resident is assessed for an amount equal to the average assessment of residents,

Attendance of
children of
non-residents.

Secs. 9, 10, 11, 12. the children of such non-resident shall be admitted to the Public School of such section on the same terms and conditions as the children of residents.

The admission of non-resident pupils, other than those provided for under this sub-section, is regulated by section 172 of the Act.

RELIGIOUS INSTRUCTION.

Pupils not to be required to join in religious exercises objected to by their parents.

10. No person shall require any pupil in any Public School to read or study in or from any religious book, or to join in any exercise of devotion or religion, objected to by his or her parents or guardians.

To receive religious instruction as their parents desire.

11. Pupils shall be allowed to receive such religious instructions as their guardians or parents desire, according to any regulations provided for the organization, government, and discipline of Public Schools.

It will be seen by a perusal of the course of studies set out in the Departmental Regulations that no course of religious instruction has been prescribed. (D.R., s. 8.)

The Department have, however, authorized certain religious exercises to be performed at the opening and closing of every public school, but no pupil is required to take part in them if objected to by his parents or guardians. (D.R., s. 81.)

RURAL PUBLIC SCHOOLS.

School sections in townships.

12. (1). The municipal council of every township (except where township boards have been established) shall subdivide the township into school sections so that every part of the township may be included in some sec-

tion, and shall distinguish each section by a number; provided that no section formed hereafter shall include any territory distant more than three miles in a direct line from the schoolhouse. Secs. 12, 13.

The limits of the different school sections must be described or defined with certainty, otherwise the by-laws establishing them are liable to be held bad. (*Haacke v. The Municipality of Markham*, 17 Q.B. 562; *In re Simmons and The Corporation of the Township of Chatham*, 21 Q.B. 275.)

(2). Where the land or property of any individual or company is situated within the limits of two or more school sections, the parts of such land or property so situated shall be assessed and returned upon the assessment roll separately, according to the divisions of the school sections within the limits of which such land or property is situate. Assessors to value lands situated in each section.

As to the method of making school assessments in townships, see section 109.

(3). No section shall be formed which contains less than fifty children, between the ages of five and twenty-one years, whose parents or guardians are residents of the section, unless such section is more than four square miles in area, except in cases where such area cannot be obtained because of lakes or other natural obstacles. Area of new school sections

13. It shall be the duty of every township clerk to prepare in duplicate a school map of Township clerk to prepare maps of school sections.

Sec. 13, 14. the township, showing the divisions of the township into school sections and parts of union school sections, to furnish one copy of such map to the county clerk, for the use of the county council, and retain the other in the township clerk's office, for the use of the township corporation.

In Trustees for School Section No. 24 of the Township of Burford v. Township of Burford, a rough sketch or map designated "School section map, township of B," but without signature, seal, or date, having the appearance of being very old, and there being no other map to be found, was produced from the proper custody as evidence of the formation of school sections in a township by the municipal council thereof. In 1888, before the action was commenced, but after the beginning of the agitation which gave rise thereto, the municipal council passed a by-law "to make alterations in school section map," and authorized the clerk to correct the map, etc.; and when any difficulty arose as to boundaries of school sections recourse was had, at least in some instances, to this map. The Court held that the map must be assumed to be drawn in pursuance of the above section, and therefore afforded evidence of the original division of the township into school sections by the township council (18 O.R. 546). And see also *Chief Superintendent, In re Shorey and Thrasher*, 30 Q.B. 504.

If the township clerk neglects or refuses to prepare and furnish this map, he is liable to a penalty of ten dollars, to be recovered before a justice of the peace, for the school purposes of his municipality, at the instance of any ratepayer thereof (s. 186).

Trustees, term
of office.

14. For every rural school section there shall be three trustees, each of whom, after the first election of trustees, shall hold office for three years, and until his successor has been elected.

As to the election of trustees at the first meeting in every new section, see section 30. Secs. 14, 15,
16, 17.

15. The persons qualified to be elected trustees shall be such persons as are resident ratepayers of the full age of twenty-one years, and not disqualified under this Act. Trustees,
qualification of

Any person, therefore, entered on the last revised assessment roll of the school section, or ward, for public school rates, provided he is a resident therein and is of the full age of twenty-one years, is eligible for the position of school trustee. Persons disqualified under the Act, besides non-residents and minors, are those who are residents but not ratepayers under the Act, or who are inspectors, masters, or teachers in a public, high, or separate school (s. 189).

And a trustee who, by the alteration of the section of which he is a trustee under section 82, is placed outside the new boundaries becomes disqualified when the alteration takes place, by reason of non-residence.

16. Every ratepayer of the full age of twenty-one years, who is a Public School supporter of the section for which he is such ratepayer, shall be entitled to vote at any election for school trustee, or on any school question whatsoever. Electors,
qualification of

A "ratepayer" is defined by the School Act to mean any person entered on the last revised assessment roll of the school section for public school rates (s. 2, s-s. 7).

17. A meeting of the ratepayers of every section shall be held annually on the last Wednesday of December, or, if such Wednesday be a holiday, then on the next day following, commencing at the hour of ten o'clock in Annual meeting,
when held.

Secs. 17, 18 the forenoon, for the purpose (among other things) of electing a school trustee or trustees.

The notice calling an annual or special meeting should be signed by the secretary by direction of the trustees, or by a majority of the trustees themselves. The corporate seal need not be attached to it. (D.R., s. 85, s-s. 1.)

Any ratepayer may call the meeting to order as soon as the hour appointed arrives, and nominate a chairman (*Ib.*, s-s. 2).

The rules of order for conducting the business of all school meetings is prescribed by section 86 of the Departmental Regulations.

An alteration of the boundaries of a school section does not make it necessary to call a school section meeting and appoint new trustees. (*Chief Superintendent, In re Trustees of Section 2, Township of Moore v. McRae*, 12 Q.B. 525.)

For form of notice of annual school meeting, see *Form I*, Appendix A.

Meetings to be called in default of first or annual meeting

18. In case, from the want of proper notice or other cause, any first or annual school section meeting, required to be held for the election of trustees, was not held at the proper time, the inspector, or any two ratepayers in the section may call a school meeting by giving six days' notice, to be posted in at least three of the most public places in the school section; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called.

This section relates to cases in which trustees refuse or neglect to call the annual school meeting; but in case of inadvertence, or error, the trustees can at once call the meeting themselves, or authorize their secretary to do so.

See remarks under previous section. In case the trustee ^{Secs. 18, 19} or other person whose duty it is to call the school meeting ^{20.} does not do so, such trustee or other person is liable to a penalty of \$5 (s. 192).

For form of notice for annual school meeting under this section, see *Form 2*, Appendix A.; and for form of notice of special school meeting, see *Form 3*, Appendix A.

19. (1). The ratepayers of a school section ^{Order of business.} present at any school meeting shall elect one of their own number as chairman to preside over its proceedings, and shall also appoint a secretary, who shall record the minutes of the meeting, and perform such other duties as may be required of him by this Act.

The other duties to be performed by the secretary-treasurer are prescribed by sections 21 (2), 23, 24, 31, 33 (2), 34, 35, 37 (2), 45, 46, and 80.

(2). The business of every school meeting may be conducted in the following order: (a) Receiving the annual report of the trustees, and disposing of the same; (b) Receiving the annual report of the auditor or auditors, and disposing of the same; (c) Electing an auditor for the ensuing year; (d) Miscellaneous business; (e) Electing a trustee or trustees to fill any vacancy or vacancies.

DUTIES OF CHAIRMAN.

20. The chairman shall submit all motions ^{Chairman, duties of.} to the meeting in the manner desired by the majority. In case of an equality of votes, he shall give the casting vote, but no other vote.

Secs. 20, 21. He shall decide all questions of order, subject to an appeal to the meeting.

The names of those who vote for, and of those who vote against, a motion may be entered upon the minutes, if required by the majority at the time of voting, and even after the chairman has declared the motion carried.

It is the duty of the chairman to receive nominations for the office of trustees. It is not competent for him to reject any vote tendered ; but, if any objection be made to the vote, he should require the person objected to to make the declaration, a form of which is given in section 22. The inspector alone has the right, on complaint made to him, to set aside any vote given.

But it seems that the chairman may declare the vote bad, if the voter refuses to make the required declaration.

The chairman cannot receive any protest against the legality of the meeting or its proceedings, which must be made to the inspector (s. 32).

In electing a trustee, one of the three modes authorized by custom may be adopted, viz.: (1) By acclamation ; (2) by a show of hands ; and (3) by polling the votes. The law requires the chairman to adopt the latter mode at the request of any two electors present, even although he may, on a show of hands, have declared the person elected (s. 21, s-s. 1).

The chairman must also see that a correct copy of the minutes of the annual meeting and a copy of the poll book are forwarded to the county inspector (s. 31).

Poll to be
granted on ap-
plication of two
ratepayers.

21. (1). A poll may be demanded by any two ratepayers at any meeting for the election of trustees, or for the settlement of any school question, and such poll shall be granted by the chairman forthwith, if demanded, within ten minutes after the vote of the meeting has been declared from the chair.

The chairman cannot reject any vote that is tendered ;

but if an objection be made to any vote, he should require **Secs. 21, 22.** the voter to make the declaration required by section 22, and only on the refusal of the voter to make the same can he declare the vote bad. If the voter makes the declaration, and the vote is still objected to, then complaint must be made to the inspector, who has the power to set the vote aside (s. 32).

(2). When a poll is granted for the election of a trustee the secretary shall enter in a poll book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the ratepayers offering to vote at the election within the time prescribed by this Act, and shall, in the column on which is entered the name of a candidate voted for by a voter, set the figure '1' opposite the voter's name, with the residence of the voter. Proceedings in case of a poll.

The time prescribed for voting is from 10 a.m. (s. 17) to 4 p.m. (s. 23); but the poll may close at any time after 11 a.m., provided a full hour has elapsed without a vote having been polled (s. 23).

(3). When a poll is granted upon any Public School question, the name of each voter shall be similarly placed in separate columns, marked "for" or "against." Entries in poll book.

22. In case objection is made to the right of any person to vote at any school meeting, the chairman of the meeting, or other presiding officer, shall require such person to make the following declaration or affirmation: When voter is objected to.

(1). I, *A.B.*, do declare and affirm that I am an assessed Declaration ratepayer in school section.

- Secs. 22, 23.** (2). That I am of the full age of twenty-one years.
(3). That I am a supporter of the public school in said school section No.
(4). That I have the right to vote at this election.

Whereupon the person making such declaration shall be entitled to vote.

The chairman has no right to declare any vote bad unless the voter refuses to make the foregoing declaration, nor has he any right to receive any protest against the legality of the meeting or its proceedings. Both must be made to the inspector (s. 32).

And any person convicted of wilfully making a false declaration of his right to vote is liable to be punished by fine or imprisonment, at the discretion of the Court of General Sessions; or a penalty of not less than five dollars, or more than ten dollars, may be imposed upon him, which penalty may be sued for and recovered, with costs, before a justice of the peace by the trustees (s. 187). And see remarks under section 103, sub-section 6, of this Act.

When poll shall close,

23. The poll at every election of a rural school trustee, or on any school question, shall not close before eleven o'clock in the forenoon, but may close at any time thereafter when a full hour has elapsed without any vote having been polled, and shall not be kept open later than four o'clock in the afternoon of the day on which the election is commenced; and when such poll is closed the chairman and secretary shall count the votes polled for the respective candidates, or for the school question submitted, as the case may be, and shall declare the candidate elected, or the school question adopted, for which the highest number of votes was polled, or in

case of a tie the chairman shall give the cast-^{Secs. 23, 24.}
ing vote.

The declaration by the chairman of the school meeting that such a candidate is elected constitutes the candidate a legal trustee until his election is set aside by proper authority. (D.R., s. 87, s-s. 2.) And where certain persons were elected school trustees, and at a meeting of the board held subsequently to the election were declared duly elected, but, proceedings having been meanwhile commenced to question the validity of the election, at a further meeting of the board they acquiesced in the conclusion of the board to hold a new election, and became candidates again, and canvassed as such, until the twenty days allowed for disputing the first election had elapsed (the proceedings formerly commenced for that purpose having been meanwhile dropped), and were not elected at the second election, the Court held that they could not afterwards maintain a suit to have it declared they were the duly-elected trustees. (*Foster v. Stokes*, 2 O.R. 590.)

24. The secretary of every school meeting^{Acceptance of office by trustees.} at which any person or persons were elected as trustees shall forthwith notify in writing each of such persons of his election, and every person so notified shall be considered as having accepted such office unless a notice to the contrary effect has been delivered by him to such secretary within twenty days after the date of such election.

The secretary, who may be the teacher of the section or any other competent person, should be appointed by the ratepayers present at the school meeting (s. 19). It is his duty to make a correct minute of the proceedings (s. 19), to record the votes of the electors in the poll book, if a poll

Secs. 24, 25, 26, 27, 28. is demanded and granted (s. 21), and to sign the minutes for transmission to the inspector (s. 31).

For form of notice to person elected as school trustee, see *Form 4*, Appendix A.

Term for vacancies.

25. Any trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected.

Trustees may resign.

26. Any trustee of a rural school section may resign with the consent, expressed in writing, of his colleagues in office.

The office of trustee may not only be vacated by resignation, as provided in this section, but shall be vacated where the trustee is convicted of any felony or misdemeanor, becomes insane, or absents himself from the meetings of the board for three consecutive months without being authorized by resolution entered upon its minutes, or where he ceases to be an actual resident (s. 190). Also by his having an interest in any contract with the board (s. 197). The office may also be vacated by refusal to act after election, and on payment of five dollars by way of penalty for such refusal (s. 194).

For form of consent of co-trustees to resignation of trustee, see *Form 5*, Appendix A.

Re-election of any trustee lawful.

27. Any retiring trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office.

Corporation not to cease by want of trustees.

28. (1). No school corporation shall cease to exist by reason of the want of trustees, but in case of any such want any two ratepayers of the section, or the inspector, may, by

giving six days' notice, to be posted in at least Secs. 28, 29.
 three of the most public places of the section,
 call a meeting of the ratepayers, who shall
 proceed to elect three trustees, in the manner
 prescribed in section 17 and the following
 sections of this Act; and the trustees thus Tenure of
 office.
 elected shall hold and retire from office in the
 manner prescribed by section 30 of this Act.

The notice to be given by the inspector should be
 similar to *Form 2*, Appendix A.

(2). When the ratepayers of any school sec- Council may
 appoint trustees
 when no
 election.
 tion, for two years neglect or refuse to elect
 trustees, after being duly notified as herein
 provided, the municipal council of the town-
 ship may appoint trustees for the said school
 section, who shall hold office for the same
 term as if elected by the ratepayers; or the Dissolution of
 school section
 on non-election
 of trustees.
 municipal council may by by-law declare such
 section dissolved, and shall (in case of dis-
 solution) attach the same, in such proportions
 as they may deem expedient, to adjoining
 sections. The assets of every section so dis-
 solved shall be disposed of as may be deter-
 mined by the municipal council.

29. Where a new school section is formed Proceedings on
 formation of
 new school
 section.
 in any township as provided in this Act, the
 clerk of the township shall cause notice to be
 posted in three of the most public places in
 the new school section, calling the first annual
 meeting thereof, at least six days before the
 last Wednesday in December, in the year in
 which such new school section was formed,

Secs. 29, 30. and the first meeting in every new school section shall be held at the same time as the annual meeting in school sections. The meeting shall be organized, and the proceedings conducted, as near as may be, according to the provisions of sections 19 to 24 of this Act, inclusive.

How meeting
to be organized

For form of notice under this section, see *Form 6*, Appendix A.

Term of office of
each trustee.

30. The trustees elected at the first meeting in every new school section shall respectively continue in office as follows :—

First.

(1). The first person elected shall continue in office for two years, to be reckoned from the annual school meeting next after his election, and thence until his successor has been elected ;

Second.

(2). The second person elected shall continue in office for one year, to be reckoned from the same period, and until his successor has been elected ;

Third.

(3). The third, or last person elected, shall continue in office until the next ensuing annual school meeting in such section, and until his successor has been elected ;

Order of
seniority of
trustees.

(4). In case of a poll being taken in a new school section, then the trustees shall rank in seniority according to the number of votes polled, and in case of a tie, then in the order of their nomination.

Every trustee holds office for three years, and until his successor is elected (s. 14). This rule does not apply to the second and third trustees elected at *first* school meeting in a section. One of these three trustees (the second elected) holds office for two years, and the other (the third elected) holds it for one year, and in all cases until their respective successors are appointed. After serving his full term a person cannot be compelled to act as trustee again until after the expiration of four years; but he may, with his own consent, be re-elected on going out of office (s. 27). This privilege does not extend to a person who declines to act as trustee and pays the fine of five dollars for non-service (s. 194). Such a person may be elected to fill the next succeeding vacancy, but may decline to serve on payment of five dollars as before.

Secs. 30, 31,
32.

31. A correct copy of the minutes of the first and of every annual and of every special school meeting, and a copy of the poll book where a poll has been taken (all of which shall be signed by the chairman and secretary), shall be forthwith transmitted by the chairman of the meeting to the county inspector.

Copy of minutes
to be sent to
inspector.

The minutes should be signed at the close of the meeting, and a copy sent to the inspector within ten days after the holding of such meeting; otherwise the chairman is liable, on the complaint of any ratepayer, to a fine of not more than five dollars, which can be sued for and recovered before a justice of the peace (s. 197).

For form of transmission under this section, see *Form 7*, Appendix A.

32. When complaint is made to the inspector by any ratepayer that the election of a trustee, or that the proceedings or any part thereof of any school meeting, have not been

Complaints as to
elections.

Sec. 32. in conformity with this Act, the inspector shall investigate the same, and confirm or set the election or proceedings aside, and appoint the time and place for a new election, or for the reconsideration of the school question at issue, but no complaint in regard to any election or proceeding at a school meeting shall be entertained by any inspector unless made to him in writing within twenty days after the holding of the election or meeting.

The Rules of the Education Department also provide that every county inspector shall decide complaints with regard to the election of trustees and other matters. (D.R., s. 74, s-s. 12.) Should the inspector require to examine witnesses in any election case before him, or in regard to any other school matter, he can administer an oath to them, or require their solemn affirmation before he receives their testimony (s. 160).

This section expressly provides for the speedy and inexpensive rectification of all proceedings not in conformity with the Act, in the administration of the law with reference to rural public schools. (*McGugan v. School Board of Southwold*, section No. 7, 17 O.R. 428.)

It empowers the inspector to investigate complaints regarding the legality of a school meeting, but leaves the nature of the investigation to his own judgment. He is not bound to investigate the complaint before calling another meeting, but can call a fresh meeting for the purpose of ascertaining what was the true opinion of the former meeting. (Departmental Decision, *re* S.S. Mariposa, 27th April, 1891.)

And where certain persons were elected school trustees, and, at a meeting of the board held subsequently to the election, were declared duly elected, but, proceedings having in the meanwhile been commenced to question the validity of the election, at a further meeting of the board they acquiesced in the conclusion of the board to hold a new

election, and became candidates again, and canvassed as such until the twenty days allowed for disputing the first election had elapsed (the proceedings formerly commenced for that purpose having been meanwhile dropped), and were not elected at the second election, the Court held that they could not afterwards maintain a suit to have it declared that they were the duly elected trustees. (*Foster v. Stokes*, 2 O.R. 590.)

33. (1). Every board of school trustees shall be organized by the election of a chairman and a secretary-treasurer. A majority of the board shall form a quorum.

Organization of board.

(2). The secretary-treasurer, who may be a member of the board, shall give such security as may be required by a majority of the trustees—such security to be deposited with the clerk of the municipality.

Security to be given by secretary-treasurer.

The word "security" means sufficient security (R.S.O., 1887, c. 1, s. 8, s-s. 20). This security must be given, the word "shall" being construed as imperative (*Ib.*, s-s. 2).

If school trustees neglect to take any security from their secretary-treasurer, as it is their duty to do under sub-section 2 of above section, they are personally responsible for any loss sustained by reason of their not doing so (ss. 198, 199). The security should be given in the form of a bond; *q.v.*, *Form 8*, Appendix A. This bond must be lodged with the clerk of the township council.

In *Keith v. Fenelon Falls Union School Section et al.*, 3 O.R. 194, a municipal corporation passed a by-law for raising a loan to liquidate a debt to be incurred in enlarging the schoolhouse in a public school section, and providing for the issue of debentures for that purpose, and for levying a special rate to pay the interest thereon, and to create a sinking fund for the payment of the principal; and the municipal authorities paid the money so raised by the special rate to the secretary-treasurer of the school board of

Sec. 33. the said section. A., the secretary-treasurer of the school board, and B., as his surety, gave a bond of office, reciting that A. had been appointed such secretary-treasurer, and that "it was required that security should be given for the due and faithful performance of any and all the duties pertaining to such office," and conditioned to "correctly and safely keep any and all moneys and papers belonging to the said school board, and to faithfully and honestly deliver up, account for, and pay over any moneys which at any time thereafter might come into his hands and possession as such secretary-treasurer," and A. received and made default in respect of certain moneys improperly paid to him as such secretary-treasurer. The Court held that the condition must be read with reference to the recital, and its scope might be thereby restricted; and, reading the two together, B. was not liable for the moneys so received by A., which were outside the duties pertaining to his office, and should have been retained by the municipal corporation. B. having been informed by the school board that A. was in default, but not in respect of what moneys default was made, as to which he made no enquiries, and having at the request of the school board given a mortgage to secure the liability which he was informed he had, by reason of such default, incurred as surety under the above bond, and having subsequently ascertained that the default was partly in respect of moneys improperly paid to A., it was held that B. was entitled to redeem on payment of the balance only of the moneys for which he was held liable as surety, the mortgage having been executed under a mistake. The trustees should therefore be careful to see that the bond fully covers contingencies of above and a similar nature.

And where the security is taken by the trustees from a guarantee company, the terms of the contract with such company must be strictly complied with; otherwise they will not be entitled to recover from the company on the secretary-treasurer making default. Thus where a term of a policy required that the books of the secretary-treasurer should be audited at the end of each year by the auditors as required by statute, and the books were audited, but not

by the proper auditors, it was held that the terms of the **Secs. 33, 34.** guarantee had not been complied with, and that the trustees could not recover. (*The Board of Education of the Town of Paris v. The Citizens' Insurance and Investment Company*, 30 C.P. 132.)

(3). The secretary-treasurer may be allowed such compensation for his services as secretary or for attending to the repairs of the schoolhouse or premises as shall be agreed upon by resolution of the annual meeting duly entered on the minutes. Compensation of secretary-treasurer.

The secretary-treasurer may also be appointed school collector (s. 51).

34. It shall be the duty of the secretary-treasurer:— Duties of secretary-treasurer.

(1). To keep a full and correct record of the proceedings of every meeting of the board in the minute book provided by the trustees for that purpose, and to see that the minutes, when confirmed, are signed by the chairman or presiding trustee ;

(2). To receive all school moneys collected from the ratepayers of the section or other persons, and to account for the same ;

A school trustee having money in his hands, not as secretary and treasurer of a board, or in any official capacity, cannot embezzle such money, his duty as a trustee not requiring him or authorizing him to receive it. (*Ferris v. Irwin*, 10 C.P. 116.)

(3). To disburse all moneys in the manner directed by a majority of the trustees ;

(4). To produce, when called for by the

Sec. 34. trustees, auditors or other competent authority, all papers and moneys belonging to the corporation ;

(5). To call, at the request in writing of two trustees, or on the petition of ten ratepayers, a special meeting of the board of trustees.

Notice of all meetings shall be given by the secretary-treasurer to each of the trustees, by notifying them personally or in writing, or by sending a written notice to their residences (s. 35). Notifying the trustees personally is always a doubtful method, as, without a witness to the fact, it is often incapable of proof in case of denial.

It is also the duty of the secretary-treasurer to receive all moneys levied and collected by the municipal council of any township (s. 118). And where any award for a school site, made and published under this Act, has to be registered, the secretary-treasurer is the person who should make the affidavit required for the purposes of registration (s. 71). Should he wrongfully withhold, neglect, or refuse at any time to deliver up, or to account for and pay over, any books, papers, chattels, or moneys which came into his possession as such secretary-treasurer, or any part thereof, to the person, and in the manner directed by a majority of the school trustees for the school section then in office, or by other competent authority, such withholding, neglect, or refusal, shall be punishable (s. 200). And the county judge is authorized, on the application of two trustees or two ratepayers, supported by their affidavits, to order the secretary-treasurer to deliver up, account for and pay over, the books, papers, chattels, or moneys by a certain day to be named by the judge, upon pain of imprisonment, without bail, until the order is complied with (ss. 201 to 203). But this proceeding does not affect any other remedy the trustees may have against a secretary-treasurer (s. 204).

And a trustee corporation can maintain an action "for money had and received" against their secretary-treasurer to recover money in his hands not expended or accounted

for. (*Trustees of School Section No. 7 in the Township of* Secs. 34, 35.
Stephen v. Mitchell, 29 Q.B. 382.)

And if a person acts in the capacity of secretary-treasurer of a school corporation, although he has not been appointed in writing, and has not given security as required by section 32 of this Act, but has been recognized by the corporation as their secretary-treasurer by their intrusting him with the custody of their books and papers, and by allowing him to receive moneys for them, and by auditing his accounts and receiving and approving of the auditors' reports, and he afterwards absconds with certain moneys which have been received by him, as such secretary-treasurer, from third parties, the school corporation cannot compel the third parties to make good the money received by the absconder by alleging that he was not the duly appointed officer of the corporation; for if a person acts notoriously as the officer of a corporation, and is recognized by it as such officer, a regular appointment will be presumed, and his acts will bind the corporation, although no written proof is, or can be, adduced of his appointment. (*School Trustees, Township of Hamilton v. Neil*, 28 Chy. 408.)

The rule is laid down and is exemplified by many cases in *Taylor on Evidence*, eighth edition, section 171, that a person *acting in an official capacity* is presumed to be regularly appointed, and no distinction is recognized, though the appointment must necessarily be in writing or under seal, or though proceedings be criminal or in the highest degree penal.

35. Notice of all meetings shall be given by the secretary-treasurer to each of the trustees, or by any one of the trustees to the others, by notifying them personally, or in writing, or by sending a written notice to their residences.

Notice of
meetings, how
given.

And if proper notice is not given under this section, and the school meeting is, in consequence thereof, not held, the secretary-treasurer is liable to a fine of five

Secs. 35, 36. dollars, which can be sued for and recovered before a justice of the peace (s. 192).

The trustee upon whom may devolve the duty of giving the notice of meeting to the other trustees is required to exercise the same care and punctuality in so doing as is enjoined on the secretary-treasurer, and in default of so doing is liable to the same fine.

For form of notice under this section, see *Form 9*, Appendix A.

Corporate acts
must be adopted
at lawful trustee
meetings.

36. No act or proceeding of a rural school corporation which is not adopted at a regular or special meeting at which at least two trustees are present shall be valid or binding on any person affected thereby, unless notice of such meeting has been given as required by this Act, and unless a minute of such act or proceeding is made in writing and signed by two of the trustees.

In an action by a school teacher to recover damages as for wrongful dismissal, it was shown that the agreement to employ the plaintiff was made in writing, under seal and signed by two of the three trustees, but not at the same time or at any meeting of the trustees called for the purpose of transacting school business; the Court held that the agreement was void under section 97 of the Public Schools Act (R.S.O., 1877, c. 204), which provides that "No act or proceeding of a school corporation which is not adopted at a regular or special meeting of the trustees shall be valid or binding on any party affected thereby." (*Lambiere v. The School Trustees of Section No. 3, South Cayuga*, 7 A. R. 506.) The section referred to in this case is materially the same in wording and principle as above section, the difference being that the latter provides for the further requisites of notice and the presence of at least two trustees.

AUDITORS.

Sec. 37.

37. (1). Every board of school trustees shall, on or before the first day of December, appoint an auditor, and in case of their neglect, or the neglect of the ratepayers at an annual or special meeting to do so, or in case of an auditor being appointed or elected who refuses, or is unable to act, then the inspector shall at the request in writing of any two ratepayers make the appointment.

Appointment of
auditors.

For form of request to inspector, see *Form 10*, Appendix A.

(2). The trustees, or their secretary-treasurer shall lay all their accounts before the school auditors of the section, or either of them, together with the agreements, vouchers, contracts and books in their possession, and the trustees or their secretary-treasurer, shall afford to the auditors, or either of them all the information in their or his power as to the receipts and expenditure of school moneys.

Trustees and
secretary-
treasurer to lay
accounts, etc.,
before auditors.

And if the trustees refuse to furnish the auditors with any papers or information in their power, which may be required of them relative to their school accounts, they are liable to fine or imprisonment (s. 205).

And no secretary-treasurer, and no person having been such secretary-treasurer, and no trustee or other person, who may have in his possession any books, papers, chattels, or moneys, which came into his possession as such secretary-treasurer, trustee, or otherwise, shall wrongfully withhold or neglect or refuse to deliver up or account for and pay over the same or any part thereof to the person and in the manner directed by a majority of the trustees. Upon proof of such wrongful withholding or refusal, the

Sec. 27. county judge shall order the party complained of to deliver up, account for, and pay over the books, papers, chattels, or moneys applied for by a certain day, with reasonable costs, on pain of arrest and imprisonment by the sheriff, without bail (ss. 200-203).

The *expenditure* of a school may be for any lawful purpose whatsoever, and may not only include the ordinary expenses of the school, but also collector's fees, law costs incurred in maintaining or defending unnecessary suits, postages, stationery, or any incidentals connected with the office of trustee.

It would seem that costs incurred in defending unsuccessfully a suit brought against trustees for levying an unauthorized rate, or travelling expenses incurred in order to consult the superintendent, do not come within the scope of the word "expenditure." (*Stark v. Montague et al.*, 14 Q.B. 473.)

But a rate may be levied to reimburse school trustees for the costs of defending a groundless action brought against them. (*In re Tiernan and the Municipality of Nepean*, 15 Q.B. 87.) And where such a charge was incurred before the establishment of a separate Roman Catholic school, the supporters of that school were not exempt from the rate. (*Ib.*)

And where a bill of costs is delivered to and paid by the trustees of a public school, an individual ratepayer of the section in which such school is situate is not, merely by virtue of his having to contribute as a ratepayer, entitled to obtain an order for the taxation of such bill of costs, either under the Solicitors' Act, R.S.O., 1887, cap. 147, ss. 32 and 42, or under Consolidated Rule 1229. (*McGugan v. McGugan*, 19 A.R. 56; *In re Barber*, 14 M. & W. 720.)

And while trustees carry out the lawful decision of their constituents, neither the auditors nor any public meeting can limit or deprive them of the authority conferred upon them by this Act (s. 40, s-s. 2) as to keeping in repair and order the section schoolhouse, and its furniture and appendages.

(3). The auditors appointed or one of them, ^{Secs. 37, 38.} shall, on or immediately after the first day of ^{Time of audit,} December in each year, appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the school section.

The auditors should, of course, apprise the secretary-treasurer of the trustees of the day fixed for examining the accounts.

38. It shall be the duty of the auditors of ^{Duties of auditors.} every school section :—

(1). To examine into and decide upon the accuracy of the accounts of the section, and whether the trustees have duly accounted for and expended for school purposes the moneys received by them, and to submit the said accounts, with a full report thereon at the next annual school meeting.

In case collusion should be found to exist between the auditors of a rural school section and the trustees in regard to their accounts, or in case of any other alleged irregularity in the school accounts, any two ratepayers can, under the authority of sections 201, 202, and 203 of *The Public Schools Act, 1891*, apply to the judge of the County Court to summon witnesses and hold an inquiry into the facts and take evidence in regard thereto under oath. (*Minister Crooks' Decision, 1879.*)

See remarks under section 107 (11).

(2). In case of difference of opinion between the auditors on any matter in the account, it shall be referred to and decided by the county inspector;

Secs. 38, 39. (3). If both of the auditors object to the lawfulness of any expenditures made by the trustees, they shall submit the matters in difference to the annual meeting, which may either determine the same, or submit the matter to the Minister of Education, whose decision shall be final.

The trustees are the sole judges as to the expediency of any expenditure, and the auditors can only be concerned with the lawfulness of the same, *i.e.*, whether it is authorized by the school law.

Powers of
auditors.

39. It shall be competent for the auditors or one of them—

(1). To require the attendance of all or any of the persons interested in the accounts, and of their witnesses, with all such books, papers, and writings as the auditor or auditors may direct them or either of them to produce.

For form of notice by school auditors under this sub-section, see *Form I*, Appendix A.

(2). To administer oaths to such persons and witnesses

Under this sub-section, the auditors have power to examine such persons and witnesses under oath regarding any matter relative to the school accounts.

(3). To issue their or his warrant to any person named therein, to enforce the collection of any moneys by them awarded to be paid; and the person named in the warrant shall have the same power and authority to enforce the collection of the moneys mentioned in the said warrant, with all reasonable

costs by seizure and sale of the property of the party or corporation against whom the same has been issued, as any bailiff of a Division Court has in enforcing a judgment and execution issued out of such Court. Secs. 39, 40.

The warrant referred to in this section has the same effect as the execution issued by the clerk of a Division Court, under the seal of the court, to one of the bailiffs of the court, who, by virtue of the execution, can seize the goods and chattels of the debtor and dispose of them by sale in order to realize the amount of the debt. (R.S.O., 1887, c. 51, s. 212.) See *Bicknell & Seager's Division Courts Act*, Vol. I., p. 292, *et seq.*

By the analogy of the warrant to the execution, it would seem that any goods of the person named in the warrant mentioned in section 2 of *The Execution Act*, R.S.O., 1887, c. 64, would be exempt from seizure.

For form of warrant under this clause, see *Form 12*, Appendix A.

(4). The auditors shall remain in office until their audit is completed.

DUTIES OF TRUSTEES.

40. It shall be the duty of the trustees, and they shall have power— Powers and duties of trustees.

(1). To take possession of and to hold all property which has been acquired or given for Public School purposes in the section, including any land, movable property, moneys or income given or acquired at any time for Public School purposes, and to hold or apply the same according to the terms on which the same were acquired or received; and to dispose, by sale or otherwise, of any school site Custody and disposal of school property.

Sec. 40. or school property not required by them in consequence of a change of school site, or other cause; to convey the same under their corporate seal, and to apply the proceeds thereof to their lawful school purposes, or as directed by this Act.

This provision of the law, which vests all school property in the trustee corporation for the purposes of sale, requires that trustees should, whenever practicable, obtain a deed, a bond for a deed, a lease, or other legal instrument, granting quiet possession to them of the property in their section, in case they have not sufficient title to it. Objection is frequently made to the right of trustees to assess the section for the repairs or building of the schoolhouse, where no full legal title to the school premises is vested in them. To remove this objection (although it is only a technical one), trustees should obtain the legal instrument referred to, and have it registered without delay.

The trustees should not fail to register their title to the school site. In case the owner of a site refuses to sell it to the trustees, and they are compelled to take possession of it under an award of arbitrators (ss. 67, 69), which award constitutes their title to the land (s. 71), they should, on the affidavit of their secretary-treasurer verifying the same, register the award in the proper registry office (s. 71).

But want of registration of title does not deprive the trustees of the right to assess and collect money for any of the school purposes of the section.

All corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, femmes-coverts, or other person, seized, possessed of, or interested in any land, may contract for, sell, or convey all or part thereof to school trustees for a school site or an addition to the school site, or for a

teacher's residence; and any contract, agreement, sale, conveyance, and assurance so made shall be valid and effectual to all intents and purposes whatsoever; and the corporations or persons so conveying are indemnified for what they respectively do by virtue of or in pursuance of this Act (s. 75).

The council of every township may pass by-laws for obtaining such real property as may be required for the erection of public school houses thereon, and for other public school purposes, and for the disposal thereof when no longer required. (55 Vict., c. 42, s. 489, s-s. 10.)

All lands which previous to the 24th day of July, 1850, were granted, devised, or otherwise conveyed to any person or persons in trust for common school purposes, and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in the public school trustees of the school section or division in which such lands are respectively situate, shall continue vested in such trustees, and shall continue to be held by said trustees and their successors upon the like trusts and subject to the same conditions and estates upon or subject to which the said lands are now respectively held (s. 212).

Every public schoolhouse, with the land attached thereto and the personal property belonging thereto, is exempt from taxation, as provided by sub-section 5 of section 7 of *The Consolidated Assessment Act*, 55 Vict., c. 48.

Land conveyed to school trustees for a school cannot be sold under execution against them for money due for building the schoolhouse, it being contrary to public policy that a schoolhouse in daily use (any more than a court house or jail) should be held liable upon execution, as, not the trustees, but the inhabitants of the town, are the *cestuis que trust*. The plaintiff should have resorted to his other remedies against the trustees for neglect of duty, as provided by sections 195 and 196 of this Act. (*Scott v. Trustees of Union School Section No. 1 in Burgess, and No. 2 in Bathurst*, 19 Q.B. 28.)

And a reservation for school purposes on a plan is of such a character to be the subject of a dedication, and

Sec. 40. would vest the property reserved in the school trustee corporation and their successors. (*The Corporation of Wyoming and The Public School Board of Wyoming v. Bell*, 24 Chy. 564.) See also *Guelph v. Canada Company*, 4 Chy. 654; and *Klinckever v. School District*, 11 Penn. St. R. 444.

For form of deed to school trustees, see *Form 13*, Appendix A.

Repairing,
etc., school-
house.

(2). To keep the schoolhouse, furniture, outbuildings, and enclosures in proper repair, and to keep the well, closets and premises generally in proper sanitary condition and where there is no suitable schoolhouse belonging to the section, or where two or more schoolhouses are required, to build or rent a house or houses and to keep such house or houses, its or their furniture, outbuildings and enclosures in proper repair, and to keep the schoolhouse insured, if required so to do by resolution of a meeting of the ratepayers of the section.

The schoolhouse should only be used for the particular purpose for which it is built, and no schoolhouse or lot, unless so provided for in an old deed (s. 212), or any building, furniture, or other thing pertaining thereto, shall be used or occupied for any other purpose than for the use and accommodation of the public schools of the section or division, without the express permission of the trustees, and then only after school hours, and on condition that all damages be made good, and cleaning, sweeping, etc., promptly done or compensation made therefor. (D.R., s. 89.) Should the trustees abuse this discretion in regard to the use of the schoolhouse, they may be restrained by injunction. But no action for an injunction will lie where the majority of the trustees are against the schoolhouse

being used for any other than school purposes, for they have the power themselves to do what they consent to the Court doing. (*Rabian v. The School Trustees of the Township of Thurlow*, 12 Chy. 115.)

Sec. 40.

Trustees should, for convenience, appoint one of their number, or the secretary-treasurer, or other responsible person, and give him authority, as well as make it his duty, to keep the schoolhouse in good repair. (D.R., s. 89.) He should also see that the windows are properly filled with glass; and that, at a proper season, the stove and pipes are in a fit condition, and suitable wood provided; that the desks and seats are in good repair; that the out-houses are properly provided with doors and are frequently cleaned; that the blackboards are painted, the water supply abundant, and everything provided necessary for the comfort of the pupils and the efficiency of the school.

The trustees of a school section, being a corporation, are not liable to pay for a schoolhouse erected for and accepted by them, not having contracted for the erection of same under seal. (*Marshall v. School Trustees of School Section No. 11, Township of Kitley*, 4 C.P. 373.)

But the fact of alterations having been made in the boundaries of a school section, and many changes having taken place among the ratepayers thereof, since the recovery of a judgment against the trustees of the section for building a schoolhouse, is no ground for a refusal on the part of the trustees to levy a rate to satisfy the judgment, and they may be compelled by mandamus to do so. (*Scott v. The School Trustees of Burgess and Bathurst*, 21 C.P. 398.)

In case of a trespass on the schoolhouse, the trustees, and not the schoolmaster, should sue, unless it can be shown that the trustees have given the schoolmaster a particular interest in the building beyond the mere liberty of occupying it during the day for the purpose of teaching. (*Monaghan v. Ferguson et al.*, 3 Q.B. 484.)

(3). To provide adequate accommodation and a legally qualified teacher or teachers, for

Adequate accommodation to be provided.

Sec. 40. two-thirds of the children between the ages of five and sixteen years, whose parents or guardians are residents of the section, as ascertained by the census taken by the municipal council for the next preceding year; provided always such children are not to include the children of persons on whose behalf a separate school is established according to the provisions of *The Separate Schools Act*.

The "accommodation," to be adequate, should include :

(1) *Size of Site*.—A site of an acre in extent, but not less than half an acre.

(2) *Size of Rooms*.—A schoolhouse (with separate rooms where the number of pupils on the rolls exceeds fifty), the walls of which shall not be less than ten feet high in the clear, and which shall not contain less than nine square feet on the floor for each child in attendance, so as to allow an area in each room for at least one hundred cubic feet of air for each child. The rooms must also be sufficiently warmed and ventilated, and the premises properly drained.

(3) *Fence*.—A sufficient fence or paling round the school premises.

The Line Fences Act, R.S.O., 1887, c. 219, which applies to school fences, enacts that "Owners of occupied adjoining lands shall make, keep up and repair a just proportion of the fence which marks the boundary between them, or if there is no fence they shall so make, keep up and repair the same proportion which is to mark such boundary; and owners of unoccupied lands which adjoin occupied lands shall, upon their being occupied, be liable to the duty of keeping up and repairing such proportion, and in that respect shall be in the same position as if their land had been occupied at the time of the original fencing, and shall be liable to the compulsory proceedings herein-after mentioned" (s. 3).

The same Act also provides, in case of dispute, for the appointment of fence-viewers to make an award, which may be enforced as therein pointed out.

(4) *A Playground*, or other satisfactory provision for physical exercise, within the fences, and off the road.

(5) *A Well*, or other means of procuring water for the school.

(6) *Separate Offices*.—Proper and separate offices for both sexes, at some little distance from the schoolhouse, from each other, and enclosed with a high and secure fence.

(7) *Maps, Apparatus, and Library*.—Suitable school furniture and apparatus, desk, seats, blackboards, maps, library, presses, and books, etc., necessary for the efficient conduct of the school. (D.R., ss. 1, 2, 3.)

The trustees alone have the right to decide upon the kind, size, and description of the schoolhouse or teacher's residence which they shall erect. No ratepayer, public meeting, or committee has any authority to interfere with or control them in this matter. They also have full power to decide what fences, outbuildings, sheds, and other accommodations shall be provided. To them also exclusively belongs the right to have the school grounds planted with shade trees and properly laid out.

In case the trustees fail to provide suitable outhouses, fences, maps, etc., inspectors should require that these deficiencies be supplied within a reasonable time; and unless reasonable and satisfactory efforts be made, having regard to the circumstances of each school, the defaulting trustees should be reported to the Department, in order that they may consider the propriety of withholding the apportionment of the school fund from such section. (*Minister Crooks' Decision*, 1879.)

While every child between the age of *five* and *twenty-one* years has the right to attend some school (s. 9, s-s. 1), all children between *eight* and *fourteen* years of age are required to attend school for the full term during which the school of the section in which they reside is open each year, provided there is sufficient accommodation (55 Vict., c. 56, s. 2); yet, under the above sub-section, trustees are

Sec. 40. only required to provide adequate accommodation for two-thirds of the children between *five* and *sixteen* years of age whose parents are residents of the section.

But, if there is sufficient accommodation, trustees are required to admit to their school the children of all resident ratepayers of their section between the age of five and twenty-one years, so long as their conduct is in conformity with the general regulations, and the rates of the school and the rates required to be paid on their behalf are fully discharged.

As to the admission and attendance of the children of non-residents, see section 9, sub-section 2, and section 172. And under sub-section 7 of this section the trustees have power to exempt any indigent person from the payment of school rates, and admit the children of such person to their school.

Section 2 of *The Separate Schools Act*, R.S.O., 1887, chapter 227, provides for the establishment of separate schools for Protestants and colored people.

And residents of a section in which a separate school has been established for the class to which they belong are not entitled to send their children to the public school of such section. (*In re Hill v. The School Trustees of Camden and Zone*, 11 Q.B. 573.)

But where no separate school has been established for the class to which the resident of a school section belongs, the trustees of such section cannot exclude from their school the children of such person. (*Washington v. The Trustees of School Section No. 14 in the Township of Charlotteville*, 11 Q.B. 569.)

Although the right to attend the public school of the section does not extend to the children of persons on whose behalf a separate school according to law has been established, the creation of the separate school only suspends the privileges of the class and does not annul them, and, if the separate school ceases to exist, their rights and privileges revive. And where a separate school has been created on behalf of a class, but not kept up, the trustees will be compelled to admit to the public school the child

or children of a member of the class. (*In re Stewart and The Trustees of School Section 8 of the Township of Sandwich East*, 23 Q.B. 634; *In re Hutchison and the School Trustees of St. Catharines*, 31 Q.B. 274.)

Sec. 40.

(4). To visit, from time to time, every school ^{visiting schools,} under their charge, and to see that it is conducted according to this Act and the regulations of the Education Department.

The individual power of a trustee in a school is limited. It does not include any right on his part to interfere with the teacher in his administration of discipline in the school, nor in his mode of teaching. The teacher is not in any way subject to the direction of an individual trustee, unless acting under the express authority of both of his colleagues. In no case has a trustee the right to reprove or censure a teacher in the presence of any of his pupils.

(5). To dismiss from the school any pupil ^{Dismissal of refractory pupils.} whom they and the principal of the school have adjudged so refractory that his presence in school is deemed injurious to the other pupils, and to remove, where practicable, such pupil to an industrial school.

When the trustees have agreed with the principal of the school that the example of any pupil is very hurtful to the other pupils, they shall authorize the principal to dismiss such pupil from the school. But when a pupil so dismissed shall express to the principal teacher, as openly and explicitly as the case may require, his regret for the course of conduct which led to his dismissal, the trustees, with the concurrence of the principal, shall readmit the pupil to the school. But in all cases where reformation appears hopeless, the pupil, where practicable, is to be removed to an industrial school.

Under section 9, every child between five and twenty-one years of age has the right to attend some school.

Sec. 40. They cannot be deprived of this right, except under above sub-section, and by action taken under *The Public Health Act*, R.S.O., 1887, c. 205, s. 94, owing to their suffering from a contagious disease. To remove a pupil to the industrial school, advantage must be taken of the machinery provided by *The Industrial Schools Act*, R.S.O., 1887, chapter 234.

Trustees are not liable to an action for wrongful dismissal, for the act of their school teacher in dismissing a pupil for disobedience and speaking impudently, and refusing to be punished for his misconduct, even though they pass a resolution that the pupil can return to the school on apologizing for his misconduct, for such resolution was not an expulsion; neither are they liable for not compelling a teacher to give a pupil, whom he has dismissed for misconduct, instruction, if the teacher, in not instructing the pupil, was not acting under their direction. (*In re the Minister of Education—McIntyre v. Public School Trustees of Section 8 in the Township of Blanchard*, 11 O.R. 439.)

It seems that a parent would have a right to be notified of and attend any meeting of trustees held for the purpose of investigating the misconduct of his child. (*Ib.*)

But the Court will not interfere with the discretion exercised by the master and trustees in dismissing a pupil, so long as they have a discretion. (*Re McCallum and Board of Public School Trustees of Section 6, Township of Brant*, 17 O.R. 451; *High on "Extraordinary Legal Remedies,"* second edition, 26.) And in *Re Yuill*, an unreported case, the Chief Justice of the Queen's Bench Division on April 27th, 1888, held that an application for mandamus would not lie to correct a supposed error of teacher or trustees in a matter of discipline, and that such an application was practically an appeal from the decision of the teacher and trustees.

Text-books. (6). To see that the pupils use authorized text-books and no other; and that the school is supplied with a visitor's book, register and suitable maps, globes, apparatus and other

equipment and to procure annually, for the benefit of their school section, some periodical devoted to education, and to do whatever they may deem expedient in regard to procuring prize and library books for their school.

The Education Department has power to make regulations for the authorization of text-books for the use of pupils attending the public schools, and for the selection of books of reference for the use of teachers and pupils, and school libraries. (55 Vict., c. 54, s. 4, s-s. 2.)

Trustees who negligently or wilfully substitute any unauthorized text-book in place of any authorized text-book in actual use upon the same subject in their school are liable to a penalty not exceeding ten dollars (s. 176). A change, however, may be made at the beginning of a term, by the consent of the trustees and inspector (s. 175).

The majority of the trustees of every school section have the right to decide what expenses they will incur for maps, school furniture, apparatus, library and prize books, salaries of teachers, rent of schoolhouse, warming, cleaning, repairs, contingent and all other expenses of their school (as explained in the preceding section). The trustees are not required to refer such matters to any public meeting whatever, since they alone have the right to decide as to the nature and amount of any expenses which they may judge it expedient to incur for such purposes.

(7). To exempt, in their discretion, from the payment of school rates, wholly or in part, any indigent persons, notice of such exemption to be given by the trustees to the clerk of the municipality, on or before the first day of August, and when deemed necessary to provide for the children of such persons text-

Exemption of indigent persons from school rates.

Sec. 40. books and other school supplies at the expense of the section.

For form of notice under this sub-section, see *Form 14*, Appendix A.

Apply to municipality for school moneys.

(8). To apply to the township council on or before the first of August to levy and collect by rate all sums necessary for the support of their school, or for any other school purposes authorized by this Act to be collected from the ratepayers of such section.

The application should be made to the township clerk. (*In re the School Trustees of Section No 6 in the Township of South Fredericksburgh and the Corporation of the Township of South Fredericksburgh*, 37 Q.B. 534.) The application must be made in due form, and a proper estimate of the amount required for school purposes must be submitted with it; otherwise the township council cannot be compelled to pay the amount by mandamus. And the communication by a board of trustees to a town council of a resolution of the board that the chairman do authorize the secretary of the board to notify the town council to furnish the board with a sum of money immediately to purchase a site and erect a schoolhouse, a copy of which resolution was sent to the town council, is not such a compliance with the law as to render the council liable to be compelled to pay the amount by mandamus. (*School Trustees v. Town of Port Hope*, 4 C.P. 418.) But if the council pass a by-law in pursuance of the resolution, they cannot afterwards raise the objection that the resolution of the trustees was not a sufficient estimate; and, *semble*, if the by-law is valid, the council will be compelled to provide the sum required by mandamus. (*The Board of School Trustees of the Town of Sandwich and the Corporation of Sandwich*, 23 Q.B. 639.) And where the estimate is sent to the council by the trustees, and the former recognize it by paying a portion, they cannot object to pay the balance

on the ground that such estimate was not laid before them as required by law. (*School Trustees of Brockville v. Town Council of Brockville*, 9 Q.B. 302.) And where trustees wrote to a corporation, informing them that they had passed a resolution on a certain day, directing their chairman and secretary "to wait on the council at its next meeting, and submit an estimate for \$3,500, for the purpose of building a brick schoolhouse, the same to be procured by the 10th of April," and requesting the council to provide said amount in accordance with the estimate; and on the same day, after receiving the letter, the corporation notified the trustees that they were unable to comply with the demand, and on April 13th refused to pay an order by the chairman of the board of school trustees on the treasurer of the council for \$3,500; the Court held that the statute which requires the trustees to prepare and lay before the council an estimate had not been complied with, and a mandamus could not be granted. It was also held that the demand for payment, which was made within three weeks, and without showing that the corporation had funds in hand available for the purpose, was not reasonable. (*In re the School Trustees of Mount Forest and the Corporation of Mount Forest*, 29 Q.B. 422.)

The demand and refusal of a certain sum must be sufficiently shown; otherwise a mandamus will be refused. (*In re School Trustees and the Municipality of Collingwood*, 17 Q.B. 133.)

But the demand for a lump sum, simply for the school purposes of the section, is insufficient, for the corporation have a right to know particularly the purposes for which the money is required. (*In re the School Trustees of Section No. 6 in the Township of South Fredericksburgh and the Corporation of the Township of South Fredericksburgh*, 37 Q.B. 534.)

And where the estimate is insufficient a mandamus will not be granted. (*The Board of School Trustees of the Town of Sandwich and the Corporation of Sandwich*, 23 Q.B. 639.)

But where the estimate of the sum required for school

Sec. 40. purposes is sufficient, a mandamus will be granted to compel the council to levy the sum required. (*The School Trustees of the City of Toronto v. The Corporation of the City of Toronto*, 20 Q.B. 302.)

The ratepayers of a school section cannot substitute a voluntary subscription among themselves for the expenses of the school, instead of the provision made by law, and the school trustees cannot enforce payment of any such sums voluntarily subscribed. (*McMillan v. Rankin et al.*, 19 Q.B. 356.)

For form of requisition on the municipal council for school moneys, see *Form 15*, Appendix A.

Payment of
teachers'
salaries.

(9). To provide for the payment of teachers' salaries quarterly and, if necessary, to borrow on their promissory note, under the seal of the corporation, at interest not exceeding eight per cent. per annum, such moneys as may be required for that purpose, until the taxes imposed therefor are collected.

No rate can legally be imposed for the salary of an unqualified teacher. (*Stark v. Montague et al.*, 14 Q.B. 473.)

The board of school trustees may be compelled by mandamus to raise the money for the payment of teachers' salaries. (*Munson v. Municipality of Collingwood*, 9 C.P. 497.) See section 135 as to the proportion of salary to which a teacher who serves under an agreement with a board of trustees for three months or over is entitled.

A teacher is entitled to his salary during sickness, certified by a doctor, for a period not exceeding four weeks in the whole year; but this period may be increased at the pleasure of the trustees (s. 136). Section 138 makes provision in case of difference between trustees and teacher in regard to salary or other remuneration (s. 138).

It is submitted that the statute having in effect declared that a note given by trustees for the purposes mentioned in above sub-section must be under the seal of the trustee

corporation, such note, if not under their corporate seal, would not be binding on the corporation. **Sec. 40.**

For form of promissory note referred to in this subsection, see *Form 16*, Appendix A.

(10). To give notice in writing, before the 15th day of January in each year, to the inspector and to the clerk of the township in which their school is situate of the names and post-office addresses of the several trustees then in office, and of the teachers employed by them, and to give reasonable notice in writing from time to time of any changes therein.

Names and addresses of trustees, and teachers to be given to township clerk.

For form of notice, see *Form 17*, Appendix A.

(11). To appoint the place of each annual school meeting of the ratepayers of the section; or to call a special meeting of the ratepayers when they deem expedient or when petitioned to that effect by ten ratepayers of the section for filling any vacancy or vacancies in the board of trustees occasioned by death, removal, or other cause; or for the selection of a new school site; or the appointment of a school auditor; or any other lawful school purpose; and to cause notices of the time and place, and of the objects of such meetings, to be posted in three or more public places of the section, at least six days before the time of holding such meeting.

Filling vacancies in board.

Notice.

In case the trustees do not give proper notice, and the school meeting is, in consequence thereof, not held, they are liable to a penalty of five dollars (s. 192.)

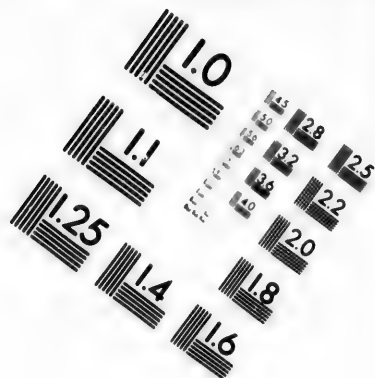
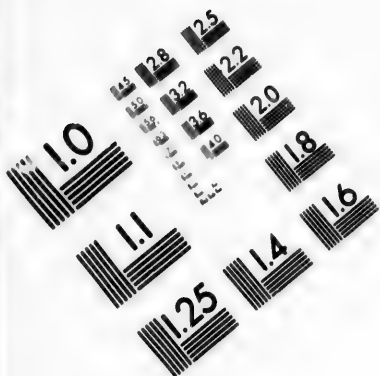
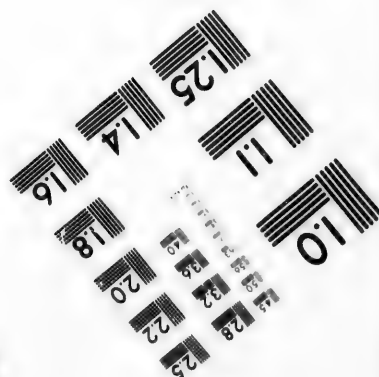
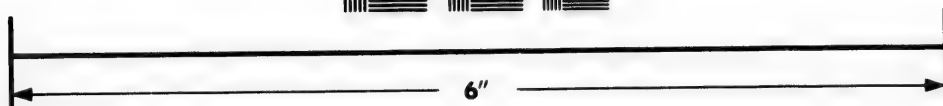
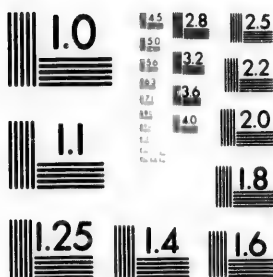


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Sec. 40. Any resolution passed at the annual school meeting may be rescinded by a special meeting properly convened for that purpose. (*Wilson v. Thompson*, 9 C.P. 364.)

For form of notice appointing place of annual school meeting, see *Form 1*, Appendix A; for form of notice of special school meeting, see *Form 3*, Appendix A; and for form of petition to trustees to call a special school meeting, see *Form 18*, Appendix A.

Report at
annual meeting.

(12). To cause to be prepared and read at the annual meeting of the ratepayers, a report for the year then ending, containing, among other things, a summary of their proceedings during the year, together with a detailed account of all school moneys received and expended on behalf of the section, for any purpose whatsoever, during such year. Such report shall be signed by the trustees and by either or both of the school auditors of the section.

Annual and
semi-annual
returns.

(13). To transmit to the inspector the semi-annual returns on or before the 15th day of July and 31st day of December respectively, and the annual return on or before the first day of January in each year according to the forms prescribed by the Education Department.

In case the trustees neglect to transmit the semi-annual returns to the inspector on or before the dates mentioned in above sub-section, their school section shall not be entitled to the apportionment from the school fund for the previous half year, and the trustees so neglecting shall be personally responsible for the amount of the loss of such apportionment (s. 206). And if the trustees delay sending the yearly report till after the fifteenth day of January, they

are liable to a penalty of five dollars for each week that passes after that date until the report has been prepared and presented (s. 207). If school trustees knowingly sign a false report, or make a false return with the view of obtaining a larger sum than the just proportion of school moneys coming to such school, they are liable to a penalty of twenty dollars (s. 208; s-s. 1). This penalty can be sued for by any one before a justice of the peace, and the trustee can be convicted on the oath of one credible witness other than the prosecutor. (*Ib.*) If, on conviction, the penalty is not at once paid, the same can be levied for, under the warrant of the justice, by distress on the goods and chattels of the offender. (*Ib.*, s-s. 2.) The penalty, when recovered, is paid over to the public school fund. (*Ib.*, s-s. 3.)

SECTIONS IN UNORGANIZED TOWNSHIPS.

41. (1). In unorganized townships in any county or district, it shall be lawful for the Stipendiary Magistrate thereof and the public school inspector (if any) of the county or district, or for the Stipendiary Magistrate alone, if there is no inspector, and for the inspector alone, if there is no Stipendiary Magistrate, to form a portion of a township, or of two or more adjoining townships, into a school section.

Formation of
school sections.

There are certain districts within whose territories there are both townships that are organized and townships that are unorganized, with or without a stipendiary magistrate, and in some cases under the control of a public school inspector; and districts composed for the greater part of unorganized townships, for which no inspector has been appointed, but who possess a stipendiary magistrate. The above section is intended to cover both these cases. Where both offices are filled, joint action is necessary as above provided.

**Secs. 41, 42,
43.**

**Limits of sec-
tion.**

(2). No such section shall, in length or breadth, exceed five miles in a straight line, and, subject to this restriction, the boundaries may be altered by the same authority from time to time, and the alteration shall go into operation on the 25th day of December next after such alteration; provided always, no such school section shall be formed except on the petition of five heads of families resident therein.

As to the position of the schoolhouse in a section formed as above so as to enable the provisions of the Act respecting Compulsory School Attendance to apply, see section 4 (3) of that Act.

**Exemption
from rates on
account of
distance.**

42. Any person whose place of residence is at a distance of more than three miles in a direct line from the site of the schoolhouse of the section shall be exempt from all rates for school purposes, unless a child of such ratepayer shall attend such school; but this exemption shall not apply to lands liable to taxation for school purposes owned by such person within a distance of three miles.

The attendance above alluded to must be voluntary, and cannot be enforced.

For form of notice of exemption, see *Form 14*, Appendix A.

**Election of
school trustees.**

43. After the formation of such a school section, it shall be lawful for any two of the petitioners, by notice posted for at least six days in not less than three of the most public places in the section, to appoint a time and

place for a meeting for the election, as provided by law, of three school trustees for the section. **Secs. 43, 44.**

The elections of trustees under this section are to be conducted in the same manner as those held under sections 17 to 19 of this Act.

For form of notice, see *Form 19*, Appendix A.

44. (1). The trustees elected at such meetings, or at any subsequent school meetings of the section, as provided by law, shall have all the powers and be subject to all the obligations of Public School trustees generally. Trustees' powers and obligations.

The powers and duties of trustees are fully explained under section 40.

(2). The secretary-treasurers of all such boards of Public School trustees in unorganized townships shall be, *ex-officio*, members of a Court of Revision, and three of whom, acting together, shall be a legally constituted Court for the revision and correction of school section assessment rolls, and for the hearing and settlement of any appeals against the same. The members of such Court shall be paid reasonable travelling expenses by their respective boards of trustees for attendance as a Court of Revision. Court of Revision.

The inspector may, in certain cases, act as the Court of Revision. See sub-section 4 of this section.

(3). The inspector of schools for the district shall divide the school sections into groups of Sections to be divided into groups.

Secs. 44, 45. three sections in every group, and shall notify the secretary-treasurers of the sections concerned of the group to which they respectively belong.

This notice should be given in writing; and it would be well if it were accompanied by a school map showing the respective groups into which the district is divided.

For form of notice, see *Form 20*, Appendix A.

When inspector
to act as Court
of Revision.

(4). In every case where from the sparseness of settlements, it would be inconvenient for a Court of Revision as herein constituted to meet for the revision and equalization of the assessment roll, it shall be lawful for the inspector, on the request of any board of trustees, to assume the functions of such Court of Revision for the section on behalf of which such request is made, and all the proceedings of the inspector in the matter of the revision or correction of the assessment roll, shall be subject to the provisions of this Act, and shall have the same effect as if made in a Court of Revision.

Annual assess-
ment roll.

45. The trustees of all school sections in unorganized townships shall, annually, appoint a duly qualified person to make out an assessment roll for the section, the secretary-treasurer of which shall submit a certified copy of the same to the proper Court of Revision for the correction of errors or improper entries that may be found therein.

The duties of the assessor in making out the assessment roll, and its form and contents, are prescribed by sections

14, 14a, 14b, and 14c of *The Consolidated Assessment Act*, **Secs. 45, 46, 55** Vict., c. 48. There appears to be no provision made as to the qualification of the assessor. A person with a good knowledge of the value of property, who would be suitable for appointment under *The Consolidated Assessment Act*, should be appointed under this section.

47-

46. A copy of the said roll as so corrected shall be open to inspection by all persons interested, at some convenient place in the section, notice whereof, signed by the secretary-treasurer of the section, shall be annually posted in at least three of the most public places in the section, and shall state the place and the time at which the Court will hear appeals against said assessment roll, and such notice shall be posted as aforesaid by the trustees for at least three weeks prior to the time appointed for hearing the appeals.

Appeal against assessment.

The Court of Revision should not sit until at least three full weeks have expired from the posting of above notice.

For form of notice, see *Form 21*, Appendix A.

47. All appeals shall be made in the same manner and after the same notice, as nearly as may be, as appeals are made to a Court of Revision in the case of ordinary municipal assessments, and the Court of Revision, as constituted according to section 44, shall have the same powers as ordinary municipal Courts of Revision.

Manner of appeal.

Under section 44, the secretary-treasurers of the public school boards in unorganized sections are *ex officio* members of the Court of Revision of the township, and any three of them shall form a legally constituted Court

Sec. 47. of Revision for the revision and correction of the school section assessment rolls for the township.

Provision is also made by the same section for the district inspector, in certain cases, to assume the function of such Court of Revision in place of the secretary-treasurer.

The Consolidated Assessment Act, 55 Vict., c. 48, sections 64 to 67, makes the following provisions for the trial of complaints respecting mistakes in assessment rolls. Any person complaining of any error in the school section assessment roll may personally, or by agent, give notice in writing to the clerk of the municipality or the assessment commissioner within fourteen days after the day on which the roll is required to be returned, or within fourteen days after the return of the roll, in case it is not returned within the time fixed for that purpose. Under the School Act, it would seem that the notice should be given to the assessor within fourteen days after the notice has been posted, as required by section 46. The clerk of the Revision Court must enter the complaints on a list, the form of which is prescribed by the statute, in the order in which they are received by him, and the Court proceeds with and hears the complaints in that order. The clerk is also required to give ten days' public notice, by advertising in some newspaper published in the municipality, or in the nearest municipality in which one is published, of the date of the sittings of the Court. He must also leave with the assessor a list of the complaints made respecting his roll, and notify each complainant of the date of the sittings of the Court, and that his attendance is required thereat, at least six days before the sittings of the Court. The Court may hear and take evidence on behalf of the complainant and the assessor, and determine the matter, and confirm or amend the roll accordingly. The roll as finally passed by the Court shall be valid and bind all parties concerned, but the same may be further amended by an appeal to the Judge of the County Court, as provided by sections 68 to 76 of *The Consolidated Assessment Act*. See sections 48 and 49 of the School Act. The

secretary-treasurer of any section would appear to be the **Secs. 47, 48,**
proper person to act as the clerk of the Court of Revision **49, 50.**
in his section.

48. The annual roll, as finally passed and Confirmed roll binding.
signed by the chairman of the Court of Re-
vision, shall be binding upon the trustees and
ratepayers of the section, until the annual
roll for the succeeding year is passed and
signed as aforesaid.

49. Where any township under the juris- Appeals in unorganized township.
diction of a township board is unorganized,
appeals against its certified assessment roll,
made out by a person appointed by the board,
shall be made to the Stipendiary Magistrate
or Judge of the district or county, who has
jurisdiction in other matters therein.

The proceedings on appeal, as provided by sections 68
to 76 of *The Consolidated Assessment Act*, should be fol-
lowed.

50. In forming union school sections be- Union school sections.
tween and out of an organized township
municipality and an unorganized township or
locality within any territorial or judicial dis-
trict, it shall be lawful for such union school
section to be formed or altered according to
the provisions of this Act, except that the
Stipendiary Magistrate shall act for the un-
organized township or locality, and the reeve
of the organized township for his township.

As to the provisions regarding union school sections,
see sections 85 to 94 of this Act.

Sec. 51.
Appointment
and duty of
school collector.

51. The trustees may appoint some fit and proper person or one of themselves, to be a collector (who may also be secretary-treasurer), to collect the rates imposed by them upon the ratepayers of their school section, or the sums which the inhabitants or others may have subscribed, or a rate-bill imposed on any person; and pay to such collector at the rate of not less than five, or more than ten per centum on the moneys collected by him; and every such collector shall give such security as shall be satisfactory to the trustees, which security shall be lodged for safe keeping with the Stipendiary Magistrate or the inspector by the trustees.

This power of appointment is an additional power conferred upon trustees in unorganized sections, which rural school trustees do not possess. As to the duties and powers of collectors, see next section.

The collector should make and subscribe a declaration of office similar to that provided by section 271 of *The Consolidated Municipal Act*, 55 Vict., c. 42.

For form of declaration, see *Form 22*, Appendix A.

A joint and several bond should be taken by the trustees as security. In the *Trustees of School Section No. 6, Township of York v. Hunter et al.*, 10 C.P. 359, a collector, having been duly appointed by the trustees of a school section, signed the following contract at the foot of the instrument appointing him: "I agree, etc., to collect, etc., according to the said Act, and bind myself, by my sureties, in the sum of £250," and immediately under his two sureties signed the following: "We hereby agree to become security for the due fulfilment of the above contract." The collector paid over a portion of the amount collected by him, leaving a certain sum remaining uncollected. An action was brought by the trustees against the collector

and his sureties. The Court held that the sureties were not jointly liable with their principal for moneys uncollected by him, but that the agreements were distinct; also that they were not jointly liable on their guarantee as sureties on default of the principal—the contract only extending to the collection of the rate. Secs. 51, 52.

By section 12 of *The Consolidated Assessment Act*, no assessor or collector shall hold the office of clerk or treasurer. And where the treasurer of a municipality was permitted by resolution of the council of the municipality to retain the collector's roll, it was held, in an action brought against him and his surety, that the temporary function was not of such a nature as to terminate his duties as treasurer by necessary implication, and that when the money came to his hands with which he charged himself as treasurer the responsibility of the surety began, but that the latter should not be charged with any sums which did not appear in the books of the former as treasurer, and which were referable to taxes otherwise received by him. (*Village of Weston v. Conron*, 15 O.R. 595.)

In an action against sureties for a town collector for his default in paying over the sum collected by him, it was held that it was unnecessary that the roll should be certified, but it was sufficient that it was signed by the town clerk; and that the entries made by the collector on his roll in the discharge of the duties of his office of taxes paid to him were evidence against the sureties. (*Town of Welland v. Brown*, 4 O.R. 217.)

The collector is entitled to the amount of the commission fixed by the trustees, and this amount can be allowed to the sureties, as a set-off in their favor, in an action against them and the collector for making default in payment. (*Ib.*)

52. Every such collector shall have the same powers in collecting the school rate, rate-bill, or subscriptions, shall be under the same liabilities and obligations, and proceed in the

Powers and liabilities of school collector

Sec. 53. same manner in his school section and township, as a township collector does in his municipality, in collecting rates in a township or county, as provided in the municipal and assessment Acts from time to time in force.

The duties of collectors are prescribed by sections 254 to 257 of *The Consolidated Municipal Act*, 55 Vict., c. 42, and sections 122 to 137 of *The Consolidated Assessment Act*, 55 Vict., c. 48. Under a warrant from the trustees the collector is authorized and required to collect the school rates imposed by them, or the sums which the inhabitants or others may have subscribed, and also the school rate bill payable by non-residents (but see *Chapman v. Thrasher*, *infra*); and by virtue of the warrant the collector has the same powers as a township collector in collecting the school rate, rate bill, or subscription, and is placed under the same liability and obligations.

School trustees and collectors under their warrant have no power to levy on the property of a non-resident of the school section for rates assessed in respect of property within that section. (*The Chief Superintendent of Education, In re Chapman v. Thrasher et al.*, 20 C.P. 259.) Nor can a collector sue for the amount of the rates in his own name. The action should be brought in the name of the trustees as a corporation. (*Healy v. Carey*, 13 L.J.N.S. 91.) But it has been held that a township collector may sue for the amount of an assessment for common schools in a Division Court. (*McGregor v. White*, 1 Q.B. 15.)

A promissory note is not legal payment of a school rate, and, even if the collector and trustees accept same, their improper acceptance of it would not prevent them from afterwards placing a warrant in the hands of the collector authorizing him to distrain. (*Spry v. McKenzie*, 18 Q.B. 161.)

And where the time for levying a school tax was extended by resolution of the council of a municipality until the 1st August, 1856, and again on the 22nd December,

1856, to the 1st March, 1857, it was held that the collector, who was the same person for both years, might distrain between the 1st August, 1856, and the 22nd December, 1856, although no resolution extending the time was then in force. (*Newberry v. Stephens*, 16 Q.B. 65; *McBride v. Gardham*, 8 C.P. 296; *Lewis v. Brady*, 17 O.R. 377.) And a collector of school taxes may collect by distress the taxes for the two years immediately preceding, not having made his final return of such taxes in arrear, and being still collector. (*The Chief Superintendent of Schools, Appellant, In re McLean v. Farrell*, 21 Q.B. 441.)

School trustees can only give a warrant to collect school rates within the limits of the section for which they are appointed. And it would seem that such a warrant is sufficient if signed by two of the trustees, and that it need not be under their corporate seal. In making cognizance under such a warrant, it is sufficient to state that the ratepayer was duly assessed, and that the collector was duly appointed. (*Gillies v. Wood*, 13 Q.B. 357.)

Replevin may be brought upon a distress for school rates. Where several devisees and executors were rated to a school rate in respect of the property of their testator, as "John Applegarth and brothers," which entry appeared to have been made at the instance of some of the plaintiffs, but two of them only had slept on the premises occasionally, although such was not their usual place of residence, and they had received the usual notice of assessment in that form without appealing, and the same two had paid taxes on an assessment on the township roll in their individual names; it was held that these facts afforded sufficient evidence to show that the plaintiffs were "inhabitants" for the purposes of the rate; that the parties were sufficiently named on the roll to render the rate lawful; and that a demand made by the collector on the plaintiff, "John Applegarth," named in the roll, was sufficient to bind all the plaintiffs. (*Applegarth et al. v. Graham*, 7 C.P. 171.)

The effect of a collector not having made and subscribed the declaration required by section 271 of *The Consolidated Municipal Act*, 55 Vict., c. 42, is not to make

Secs. 52, 53. his acts void ; and if he has been duly appointed by by-law collector, he can hold office until removed by the council, even if what was done by the council in appointing him did not constitute a good appointment. (*Lewis v. Brady*, 17 O.R. 377.)

The appointment of a person to collect the rates for that year will not have the effect of removing another person, previously appointed collector for that same year, from office ; for it is an appointment to collect the rates for that year only, and by section 12 of *The Consolidated Assessment Act*, 55 Vict., c. 48, the council of every municipality, except counties, may appoint such number of collectors as they might think proper ; and a distress by the first-appointed collector would be legal. (*Ib.*) And so long as the roll is in the hands of the collector, and has not been returned by him, he is at liberty to go on and levy where he finds distress. (*Newberry v. Stephens*, 16 Q.B. 65.)

And where a collector calls on a person liable to pay taxes and demands payment of the taxes payable by him, this demand is sufficient to warrant a distress, and the fact that the collector several times afterwards demanded the same taxes does not affect the validity of the first demand, which is the only one required. (*Lewis v. Brady*, 17 O.R. 377.)

The inclusion of an assessment which does not appear to be either against the owner or the occupier of a property vitiates a warrant for the collection of a single sum for rates for several years ; and a distress under such a warrant would be illegal. (*Flanagan v. Elliott*, 12 S.C.R. 435.)

Boards in municipalities without county organization.

53. In municipalities composed of more than one township, but without county organization, it shall be optional with the municipal council thereof to form portions of the townships comprising the municipality into school sections, or to establish a board of public school trustees, two members being

elected for each ward, and if not divided into ^{Secs. 53, 54.} wards, two for each township thereof, and such board shall possess all the powers and duties of township boards and shall also, upon the petition of at least five heads of families, provide school accommodation and a teacher for their children and others.

As to the duties of trustees to provide accommodation, see section 40, sub-section 3.

TOWNSHIP BOARDS.

54. At the annual meeting in any year of ^{Establishment of township boards.} the school sections in a township, the question of forming a township board may be submitted in each section for the decision of the meeting, and whenever in any township at any such annual meeting, two-thirds in number of the school sections so decide, the council of the township shall thereupon pass a by-law to abolish the division of the township into school sections, and to establish a public school board accordingly; and this shall take effect on the first day of January in the next following year, and any portion of the township forming a union, or being part of a school division with another municipality or portion thereof, shall be considered as a section in respect of the said requisite number of two-thirds of the school sections of the township.

Under section 19, sub-section 2, a motion of this kind would be brought before the annual meeting under the head of miscellaneous busine.

Secs. 54, 55, 56. In order that the township board may be established, it is necessary that a resolution should be passed, which must be agreed to, not merely by a majority of the ratepayers present at each school meeting, but by a majority of the ratepayers in each of at least two-thirds of the school sections of the township. At the close of the meeting, the secretary-treasurer in each of at least two-thirds of the school sections of the township (which desire to abolish school section boundaries and form a township school board) should transmit to the clerk of their township council a copy of the resolution passed on the subject, and request the council to form the township into a school municipality, as authorized by law.

Division of
township into
wards.

55. The township council shall, in the by-law for establishing the public school board, divide the township into four wards, which shall be the same from time to time as the wards for municipal purposes, when any exist in the township, and after such by-law goes into effect, all the public schools of the township shall be managed by one board of trustees.

Management
by board.

Qualifications
of members.

56. At the first election, two resident ratepayers in the township shall be elected school trustees in and for each ward, one of the trustees in each ward (to be determined by lot at the first meeting of the trustees after their election) shall retire from office at the time appointed for the next annual school election, and the other shall continue in office for one year longer, and until his successor has been appointed, and shall then retire.

Each trustee holds office for two years, and until his

successor is appointed ; but this does not apply to those trustees elected at a first election, who have to retire, as above stated, at the end of the first year. After serving his full term, a person cannot be compelled to act again as trustee until after the expiry of four years after leaving office ; but he may, with his own consent, be re-elected on his going out of office (s. 27). This privilege does not extend to a person who declines to act as trustee and pays the fine imposed for non-service (s. 194). Such a person may be elected to fill the next succeeding vacancy, but may again decline to serve, on payment of the fine, as before. The statute leaves the manner of determining by lot to the option of the board. It has been customary for the secretary-treasurer to write "one year" and "two years" on alternate slips of paper, equal in number to the number of trustees, the slip determining the period of service of the trustee drawing it.

Secs. 56, 57,
58, 59.

57. The election shall take place annually at the time, in the manner, and as prescribed by this Act, for the election of trustees in towns divided into wards.

Time and
manner of
election.

See section 102 and sections 103 to 106, and remarks thereunder.

58. The trustees so elected shall be a corporation under the name of "The Public School Board of the Township of _____ in the County of _____."

Board to be a
corporation.

See remarks under section 7.

59. (1). The board (a majority of whom shall form a quorum) shall be constituted by the election of a chairman and secretary-treasurer, and shall be invested with, and possess, exercise and enjoy all the rights,

Powers of
board.

- Sec. 59.** property, powers and incidents, and shall be subject to the same duties and obligations as trustees in rural school sections under the provisions of this Act, as well as those of public schools in cities and towns, and in any other statute, by-law, regulation, deed, proceeding, matter or thing the board shall be construed to stand and to be substituted for each and all of the trustees of the former school sections of the township.

See sections 40 and 107, and remarks thereunder, as to duties of rural school trustees, and of trustees in cities, towns, and incorporated villages.

Under this section, township boards are invested with and possess all the rights, property, powers, and incidents, and are subject to the same duties and obligations as trustees in rural school sections, as well as those of public schools in cities, towns, and incorporated villages; whereas by section 97 public school boards in cities, towns, and incorporated villages, are declared to possess simply all the powers usually possessed by corporations, so far as the same are necessary for the carrying out of the purposes of this Act, and the statutory duties imposed by section 107.

**Audit of
accounts.**

- (2). The board shall, when called upon, submit their accounts, books and vouchers to the auditors of the municipality, and it shall be the duty of the municipal auditors to audit such accounts in the same way and at the same time as the municipal accounts are audited.

The duties of auditors in auditing municipal accounts are prescribed by section 263 of *The Consolidated Municipal Act*, 55 Vict., c. 42. A somewhat similar provision to above is made by sub-section 11 of section 107, which

requires the trustees of cities, towns, and incorporated villages to submit their accounts to the municipal auditors. **Secs. 59, 60, 61.**
See remarks under such sub-section.

60. After the Public School board is established, the portions of the townships theretofore united with an adjoining municipality, or a portion thereof, shall cease to be so united on the first day of January next following the passing of the by-law for establishing the township board, and in the intervening period between the passing of the said by-law and such first day of January a new union may be formed under the provisions of this Act, under which the said former union may be continued or another union formed, but the portion of the township in any former union shall remain liable for any rate such portion was subject to while so united, for the payment of any debt or loan, so far as the creditors or lenders thereof are concerned, and in cases where unions existing on the second day of March, 1877, are not re-formed under this Act, such unions shall continue to exist under and subject to the provisions of the Acts in force at the time of their formation.

Effect as to
parts united.

61. The township council shall, so soon as the by-law for establishing the Public School board is passed, appoint the county inspector jointly with two other competent persons, not residents of the township, and they, or any two of them, shall, in a report to the council,

Adjustment of
all claims consequent on
board being
established.

Secs. 61, 62. value the existing schoolhouses, school sites, and other school property in each and every section, or portions of the township, and ascertain their respective debts and liabilities; and the said arbitrators, or any two of them, shall thereupon adjust and settle, in such manner as they may deem just and equitable, the respective rights, claims and demands of each and every school section or portion of the township, and the township council shall pass a by-law, and give full effect to the report of the said arbitrators.

See remarks under section 65 with reference to the law regarding arbitration.

The other cases in which arbitration is resorted to under this Act are : where the trustees and ratepayers cannot agree as to the selection of a site for a schoolhouse (s. 65); where the owner of the land selected refuses to sell (s. 67); and where it is for the purpose of revising, determining, or altering the boundaries of a school section (s. 82, s-s. 3).

Adjustment of
claims in case
of parts becom-
ing disunited.

62. In cases where a portion of the township municipality, on the establishment of the Public School board, ceases to be united with any other municipality, or portion thereof, the council of each such municipality shall respectively appoint one competent person, who, with the inspector or inspectors having jurisdiction in the respective municipalities concerned, shall, in a report to the councils of the respective municipalities, value and adjust all rights and claims consequent upon such disunion between the respective portions of such municipalities, and determine by

what municipality or portion thereof, and in Secs. 62, 63.
 what manner the same shall be settled, and
 the disposition of the property of the union
 and any payment by one portion to the other,
 and the report of the majority of said persons
 shall be valid and binding; and in cases
 where the persons to make this report would
 be an even number the County Judge shall
 also be added.

63. In case twenty ratepayers in more Repeal of by-law and for re-forming sections.
 than one-half of the school wards of the
 township petition the township council to
 submit a by-law to the vote of the rate-
 payers of the township for the repeal of
 the by-law under which the Public School
 board was established, but not until after the
 township board has existed for five years at
 least, a by-law shall be submitted to such vote
 accordingly, and the proceedings shall be in
 conformity with *The Municipal Act*, except Rev. Stat., c. 184.
 that the vote shall not be by ballot; and in
 case in the majority of such wards the
 majority of the votes are for such repeal, the
 township council shall pass a by-law to dis-
 establish such Public School board, and form
 school sections instead thereof; but no repeal
 shall take effect until the first day of the
 month of January next following, which will
 be more than three months after the voting
 upon the by-law for that purpose; and the
 council shall also, in the same or another by-
 law, appoint the county inspector jointly with

- Sec. 63.** two other competent persons, not residents of the township, and they or any two of them shall, in a report to the council, value the schoolhouses, school sites, and other school property which may thereupon become the property of such school section, and shall also adjust and settle the respective rights and claims consequent on such repeal between the respective school sections, or between any school section and the township, and all payments to be made by or to any of them.

The plain meaning of this section is that, after the township public school board has existed for five years at least, the submission of a by-law for the repeal of the by-law under which that board was established may be required at any time, upon the presentation of a properly-signed petition therefor. The by-law establishing the township board may be attacked with a view to its repeal again and again, so long as the agitation against it subsists. (*Re Public School Board of the Township of Tuckersmith*, 16 O.R. 604.)

The advantages of a township school board may be briefly summarized as follows :

(1) *Convenience*.—Under a township board system, all school section boundaries are abolished. Every ratepayer has, therefore, the right to send his children to any school most convenient to him in the township, as he prefers. Under the school section system, he can only send to the school of the section for the support of which he pays rates, although the schoolhouse of an adjoining school section may be more convenient to him than his own, in point of distance, and be taught by a more efficient teacher.

(2) *Economy of time and money*.—Under a township school board, the local divisions would be consolidated and practically enlarged ; and schools would be placed only at convenient distances from each other, and in such

localities as required them. Thus, a township requiring **Secs. 63, 64.** under the section system fifteen or twenty schools could have these schools so placed as to be able to do with one or two less in the aggregate. Thus, the expense of one or more schools could be saved, besides the expense of frequently collecting rates by trustees; and instead of requiring the time and attention of forty-five or sixty trustees, with their collectors, etc., to manage these schools, five could do it just as efficiently with the township treasurer and collector.

(3) *Better teachers.*—Under a township board, the schools can be classified, and each locality can claim and insist upon an equally efficient teacher, according to the status of the school and the wants of the inhabitants.

(4) *Educational inequalities removed.*—Under the school section system, hardly two schools in a township are equally efficient. Each school corporation has its own standard, which varies more or less in every section. Under a township board, with a single standard, aided by the supervision of the inspector, the existing inequalities could be removed, and each school brought up to a uniform standard of excellence.

(5) *Competitive examinations,* instead of being the exception in a township, would be the rule under a township board. At present these most useful examinations are rarely held, and only as desired by individuals. As there are no means of removing defects in individual school management, should any be discovered by these examinations they fail in producing any permanent salutary effect; but it would be otherwise under a township board, as part of its duty would be to ascertain the defects, which would be made apparent by a system of competitive examination of all the schools in a township at stated intervals, and remedy them.

RURAL SCHOOL SITES.

64. Before any steps are taken by the New sites. trustees for securing a site on which to erect a new schoolhouse or for changing the site of

- Sec. 64.** a schoolhouse they shall call a special meeting of the ratepayers of the section to consider the site selected by them ; and no site shall be adopted or change of school site made except in the manner hereinafter provided, without the consent of the majority of such special meeting.

The question of school site comes up for consideration in a school section on the establishment of a new school section ; on the change of site in an old section ; and on the enlargement of an existing site. In the latter case only can the trustees act without the concurrence of the ratepayers (s. 74).

The powers formerly exercised under the above section, before its amendment, for securing a site have been extended to embrace those cases in which a change of site of an existing schoolhouse is desired. A board of school trustees cannot, without a reference to the freeholders of their section, select and purchase the site for the schoolhouse, and impose a rate therefor. (*Orr v. Ranney*, 12 Q.B. 377.)

As regards the securing of a school site, when a meeting has been duly called and a site selected, it is quite competent for a second meeting to change the site so selected with the consent of the necessary majority. The first choice is not final as to change, and there is no limitation that a change can only be made when a new set of trustees have been elected, or till the next municipal year. (*Wallace et al. v. The Board of Public School Trustees for Union School Section No. 9 of the Township of Lobo et al.*, 11 O.R. 648.)

The reason of the school section meeting being called should be set out in the notice calling the meeting, as it is doubtful whether the concurrence of the freeholders and householders required to enable the trustees to call upon the council of their municipality to levy money for the purchase of a school site can be expressed at the annual school meeting without notice that the question will there

be brought up. (*In re Taber and the Corporation of the Secs. 64, 65. Township of Scarborough*, 20 Q.B. 549.)

Where a board of school trustees passed a resolution professing to adopt a permanent site for the school, and the resolution was confirmed at a special meeting of the ratepayers duly called, these proceedings were held not to prevent a change of site in a subsequent year. (*Malcolm v. Malcolm*, 15 Chy. 13.)

And where school trustees selected a new site for a schoolhouse, and at a special meeting of the ratepayers duly called those present rejected the site so selected and chose another, but neither party named an arbitrator, it was held that an arbitrator might be appointed by the ratepayers at a subsequent meeting. (*Ib.*)

As it is contrary to the rule of our courts, in dealing with persons who have not acted properly, to punish them more severely than justice to others renders necessary, relief will only be granted to a ratepayer who complains of the act of trustees wrongfully expending money in building on a site which has been changed by competent authority, subject to equitable terms and conditions. (*Ib.*)

The meeting contemplated under this section is called to pass upon two matters: (1) whether the trustees shall secure a site, or there shall be a change of site; and, if so, (2) whether the proposed new site is acceptable. It is desirable to have these special matters presented free from all other questions that might divert the attention and distract the vote of the ratepayers. The special meeting is called for a special purpose, and that purpose should be so presented to the ratepayers assembled that there should be no peradventure as to what was the thing agreed upon by the majority. Should it not be so presented, it is the business of any ratepayer present to object to the way in which the question is being submitted, or have complaint made to the inspector under section 32. (*McGugan v. School Board of Southwold*, 17 O.R. 248.)

65. In case a majority of the ratepayers present at such special meeting differ as to

When trustees
and ratepayers
disagree.

Sec. 65. the suitability of the site selected by the trustees, each party shall then and there choose an arbitrator, and the county inspector, or, in case of his inability to act, any person appointed by him to act on his behalf, shall be a third arbitrator; and such three arbitrators, or a majority of them present at any lawful meeting, shall have authority to make and publish an award upon the matter or matters submitted to them.

Award.

The special meeting called under the previous section should therefore not adjourn, in case of a difference of opinion on the selection or change of a school site, without appointing arbitrators. (*Williams v. School Trustees of Plympton*, 7 C.P. 559.)

Any one who can contract can submit matters in dispute to arbitration. Either a friend or enemy, or a person having an interest in the cause, may be chosen. Persons unimpeachable on the score of interest or capacity should, if possible, be chosen, and no arbitrator should act as the partisan of the persons appointing him. He should divest himself of all prejudice. The principle laid down by s. 396 (1) of *The Consolidated Municipal Act*, that "no member, officer, or person in the employment of any corporation which is concerned or interested in any arbitration, nor any person so interested, shall be appointed or act as an arbitrator in any case of arbitration under this Act," should be followed. If an arbitrator acts corruptly, or with manifest partiality, or colludes with one of the parties, the award is bad. All the arbitrators should be chosen before proceeding to the arbitration, except where otherwise provided (as in the case of a school site). Notification in writing to the person chosen, and acceptance by him of the office, are necessary to complete the appointment. Where there is an odd number of arbitrators, a majority decides all matters submitted to them; but where the number appointed is two, four, etc., who are equally divided in their opinions,

Sec. 65.

any person who may be selected as umpire has the sole right to determine the points of difference, and make the award. The inspector is, *ex officio*, umpire in cases where he and another arbitrator only are present. In arbitrations under the school law, the directions of the statute should be strictly complied with. Reasonable notice of a meeting must be given to each arbitrator. If one or more be absent, the meeting should be adjourned for about ten days, and notice of another meeting again sent to each arbitrator (s. 70). At the subsequent meeting two arbitrators can act without their colleague, and make and publish an award.

It is the duty of arbitrators to hear evidence on both sides; one witness may be excluded while the other is being examined. They are the judges of the *admissibility* of evidence so far as the competency of the witness is concerned. If parties to the arbitration and their witnesses, who are duly notified, do not attend, the arbitrators can proceed, *ex parte*, and decide according to the best evidence before them. Where evidence is received, however, it should always be taken in the presence of the parties to the reference, or some one attending on their behalf. Before closing, the arbitrators should receive all the evidence tendered on both sides, and should take notes of it. An arbitrator cannot delegate his power; but, if he obtains the opinion of professional men, he may adopt it as his own. He may, however, delegate purely ministerial acts, such as to go from one place to another, to obtain certain definite information, or estimate the value of some specific work performed; but he cannot direct any person to commit a trespass.

If no time be fixed, an award should be made and published within three months from the time of the submission. (R.S.O., 1887, c. 83, s. 42.) The time for making an award may, however, be enlarged; but the award may be made before the time to which the arbitrators have enlarged. (*Tracey v. Hodgest*, 7 Q.B. 5.) After the expiration of the time limited, arbitrators cannot, without (even if they can with) the concurrence of both

Sec. 65. parties to the submission, make a binding award. (*Ruthven v. Ruthven*, 8 Q.B. 12.) But where an arbitrator failed, owing to the loss of the papers in the cause, to make his award within the time limited, a judge extended the time. (*Johnson v. Anglin*, 5 P.R. 62.)

All awards should be in writing, as under section 404 of *The Consolidated Municipal Act*, and should be signed in the presence of an attesting witness. Where there are two or more arbitrators, all (or the majority, if all be not present) must execute the award at the same time and place, and in the presence of each other. It is not desirable that the solicitor of either party should draw up the award. (*Manley v. Anderson*, 2 P.R. 354.) An award, however, may be made and published orally. An award is made when all the arbitrators have signed it. From the time the arbitrators have made their award, their authority ceases. They cannot afterwards make any correction or alteration, even of manifest errors. (*Irvine v. Elnon*, 8 East. 54; *Ward v. Dean*, 3 B. & Ad. 234; *Re Hall v. Hinds*, 2 M. & G. 847; *Brooke v. Mitchell*, 6 M. & W. 473.) It must be done by the signers, and with the consent of the parties to the reference. An award is published when it is sent to either or both of the parties concerned, or notice is sent to them that it is ready to be delivered. It should be delivered on the day fixed, and then the fees and other expenses on it are payable. Any kind of words may be used in an award; but it should be definite, conclusive, and final on all the points submitted. Arbitrators are not required to give reasons for their award, nor are they answerable for want of skill in performing their duties; but an arbitrator may be called as a witness to prove *facts* which occurred or came under his notice during the reference.

The parties to an arbitration have a right to the arguments, experience, and judgment of each arbitrator, at every stage of the proceedings. (*Martin v. Kergan*, 2 P.R. 370.) The costs of the arbitration should be fixed by the arbitrators, and mentioned in the award (s. 72); but if the award says nothing about them, each party pays his own

Sec. 65.

costs of reference, and the costs of the award are to be borne equally. (*Glen v. Grand Trunk Railway*, 2 P.R. 377.) An award is bad, and may be set aside, when it is uncertain and not final (*In re Knowlson v. Inglis*, 7 L.J. 124; *Cleal v. Elliott*, 1 C.P. 252; *Bernard v. Strachan*, 2 Q.B. 128; *Shaw v. Morton*, 13 C.P. 223; *Harrington v. Edison*, 10 Q.B. 114; *Kemp v. Henderson*, 10 Chy. 34; *Beatty v. McIntosh*, 4 Q.B. 259; *Great Western R.W. Co. v. Hunt*, 12 Q.B. 124; *In re Great Western R.W. Co. v. Laderonte*, 1 P.R. 243; *Bowen v. Samis*, 2 P.R. 76; *Dawson v. Murray*, 29 Q.B. 464); or when it contains a mistake on the face of it, or is repugnant (*McMannon v. McElderry*, H.T. 6 Vict.; *Dennison v. Sandford*, 3 O.S. 379; *Shaver v. Scott*, 5 O.S. 575); or when the proceedings are irregular, or there is improper conduct on the part of the arbitrators in the reception or rejection of evidence (*Hamilton v. Wilson*, 4 O.S. 19; *Van Egmond v. Jones*, 4 O.S. 119; *Campbell v. Boulton*, 1 Q.B. 407; *Davis v. Birdsall*, 2 Q.B. 199; *Williams v. Roblin*, 2 P.R. 234; *McNulty v. Jobson*, 2 P.R. 119; *Waters v. Daly*, 2 P.R. 202; *Hickman v. Lawson*, 8 Chy. 386; *Whitely v. McMahon*, 32 C.P. 453; *Re Ferris and Eyre*, 18 O.R. 395); or where there is corruption or collusion on the part of the arbitrators (*Jekyll v. Wade*, 8 Chy. 363; *Re Lawson and Hutchinson*, 19 Chy. 84; *Purdee v. Lloyd*, 26 Chy. 374; *Herring and Napier, Tamworth and Quebec R.W. Co.*, 5 O.R. 349); or where there is fraud or concealment of material evidence (*Grisdale v. Boulton*, 1 Q.B. 407; *In re McMullen and Tayley*, 2 Q.B. 175; *In re Bull v. Bull*, 6 Q.B. 357; *Hickman v. Lawson*, 8 Chy. 386); or where the award cannot be acted upon (*Ryland v. King et al.*, 12 C.P. 198; *Vance v. King et al.*, 21 Q.B., 187.)

As a general rule, where two parties have a difference upon any matter of business, and refer it to arbitration, they may afterwards agree upon the matter on which they had differed, and so may render it unnecessary that any award should be made. By the common law either party might, before the award made, revoke the submission. There have been restrictions placed by statute (R.S.O.,

Secs. 65, 66, 1887, c. 5, s. 16) upon this right of one party to revoke without the concurrence of the other, but it would be most unreasonable and inconvenient to hold that both the parties may not come to a settlement of their dispute, and so dispense with the necessity for the arbitrators proceeding. (*Vance v. King et al.*, 21 Q.B. 187.)

Formerly, in case either party refused or neglected to appoint an arbitrator, no arbitration could be had, unless the appointment of an arbitrator was compelled by mandamus. (*Corporation of the Township of Toronto v. McBride et al.*, 29 Q.B. 13.) This is now provided against by section 68 (*q.v.*). The fees of the arbitrators are fixed by section 161 (1); but in no case have arbitrators the power to fix their own fees. (*McCulloch v. White*, 33 Q.B. 331.)

Reconsideration of award.

66. With the consent, or at the request of the parties to the reference, the arbitrators, or a majority of them, shall have authority, within one month from the date of their award, to reconsider such award and within two months thereafter to make and publish a second award, which award (or the previous one, if not reconsidered by the arbitrators) shall be binding upon all parties concerned for at least five years from the date thereof.

When owner refuses to sell.

67. If the owner of the land selected for a new school site, or required for the enlargement of school premises, refuses to sell the same, or demands therefor a price deemed unreasonable by the trustees of any section, then such owner and the trustees shall each forthwith appoint an arbitrator, and the arbitrators thus appointed, together with the inspector, or in case of his inability to act,

any person appointed by him on his behalf as ^{Secs. 67, 68.} third arbitrator, or any two of them, shall appraise the damages for such land.

The provisions of the law with regard to the compulsory sale of school sites are twofold, and must not be confounded. The above section refers to "land selected for a new school site," and section 74 to the selection of land for enlarging existing school premises. In both these cases the trustees can demand an arbitration, should the necessity for so doing arise (*supra* and s. 76). In the first case, the owner can lawfully refuse to sell or submit to arbitration, when the site selected is within "a hundred yards of his garden, orchard, pleasure ground, or dwelling-house" (s. 73); but where the trustees simply wish to enlarge their existing school premises the owner has only a restricted right, which does not prevent the trustees from enlarging the school site existing to the required dimensions, if it be absolutely necessary.

68. If the majority of the school trustees, ^{Appointment of arbitrators; their powers.} or the majority of a Public School meeting, neglect or refuse, where there is a difference in regard to the selection of a school site, to appoint an arbitrator, as provided in this Act, or if the owner of land selected as a school site, neglects or refuses to appoint an arbitrator, it shall be competent for the inspector with the arbitrator appointed, to meet and determine the matter; and the inspector in case of such refusal or neglect, shall have a second or casting vote if he and the arbitrator appointed do not agree.

Previous to the passing of this section, if either party refused or neglected to appoint an arbitrator, no arbitration could be had, unless such appointment was compelled by

Secs. 68, 69. mandamus. (*Corporation of the Township of Toronto v. McBride*, 29 Q.B. 13.) This section confers upon the inspector the power to make such appointment, in case the necessity arises as above for so doing.

Additional
powers of
arbitrators.

69. (1). The arbitrators aforesaid, or any two of them, shall have the power to settle all claims or rights of incumbrancers, lessees, tenants, or other persons, as well as those of the owner, in respect of the land required for the purpose of the school site, upon notice in writing to every such claimant, and after hearing and determining his claims or rights.

The interest of a tenant at will, as well as that of the landlord or other person entitled to a limited interest, must all be considered and dealt with by the arbitrators before the compulsory sale of the property can be completed. And where, in proceeding to select a site for a public schoolhouse, no notice of the proceeding to arbitrate upon the question of compensation was given to a lessee in possession of the property selected, and in consequence he did not name an arbitrator, neither did he attend before nor take any notice of the arbitration, and the arbitrators, in fact, did not take into consideration the value of his interest, neither did they find that such interest was not of any value, the Court declared that his interest had not been affected by the arbitration. (*Johnson v. The Trustees of Public School Section No. 1 in the Township of Howard*, 26 Chy. 204.)

For form of notice by arbitrators to claimants, see *Form 23*, Appendix A.

Taking land.

(2). Upon the tender of payment of the amount of such damage to the owner or other person entitled thereto, or to any part of such

amount, by the school trustees, the land shall be taken and used for the purpose aforesaid. Secs. 69, 70,
71.

If there is any encumbrance or encumbrances against the land chosen, or against any portion thereof, the trustees should retain out of the amount to be paid to the owner a sum sufficient to satisfy and discharge such encumbrance; otherwise they will be responsible to the encumbrancer or encumbrancers. They have, however, their recourse against the party to whom the compensation is paid, in the event of their not retaining a sufficient amount to satisfy the encumbrance (s. 79).

70. If only a majority of the arbitrators appointed to decide any case arising under the authority of this Act are present at any lawful meeting, in consequence of the neglect or the refusal of the other arbitrator to meet them, it shall be competent for those present to make and publish an award upon the matter or matters submitted to them, or to adjourn the meeting for any period not exceeding ten days, and give the absent arbitrator notice of the adjournment. Proceedings
where an arbit-
rator is absent.

If the award is made at the adjourned meeting without such notice being sent to the absent arbitrator, it would be invalid. (*Martin v. Kergan*, 2 P.R. 370; *In re the Corporation of the City of Toronto and Leak*, 23 Q.B. 223.)

71. Any award for a school site made and published under this Act, if there be no conveyance, shall thereafter be deemed to be the title of the trustees to the land mentioned in it, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in Award to con-
stitute title.

Secs. 71, 72, 73, 74. the proper registry office on the affidavit of the secretary-treasurer of the board of trustees verifying the same.

A similar provision is made with regard to high school sites by section 21 of *The High Schools Act, 1891*.

For form of affidavit, see *Form 24*, Appendix A.

Cost of arbitration.

72. The parties concerned in all such disputes shall pay all the expenses incurred in them, according to the award or decision of the arbitrators.

The costs of the arbitration should be fixed by the arbitrators and mentioned in the award; for, if the award says nothing about them, each party pays his own costs of reference, and the costs of the award are to be borne equally. (*Glen v. Grand Trunk R.W. Co.*, 2 P.R. 377.) It would perhaps be competent for the parties interested in the reference to request the arbitrators, under the authority of section 66, to reconsider the question of costs in case the same were not mentioned in the award.

Selection of school site.

73. A school site shall not be selected in a township within a hundred yards of the garden, orchard, pleasure ground, or dwelling-house of the owner of the site without his consent.

This is an additional statutory requisite required in the case of the selection of new sites in a township (see remarks under section 67), and is not prescribed by the Departmental Regulations.

Enlargement of school site.

74. Where the area of a school site is less than is required by the regulations of the Education Department the trustees may, without reference to a special meeting of the

ratepayers, enlarge the same, but no such ^{Secs. 74, 75.} enlargement shall be made in the direction of, or including an orchard, garden or dwelling-house, without the consent of the owner of the land required, unless the school site cannot be otherwise enlarged.

See remarks under section 67.

75. All corporations and persons whatever, ^{Who may convey school sites.} tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, femmes-coverts, or other person, seised, possessed of or interested in any land, may contract for, sell or convey all or part thereof to school trustees for a school site or an addition to the school site, or for a teacher's residence; and any contract, agreement, sale, conveyance and assurance so made shall be valid and effectual to all intents and purposes whatsoever; and the corporations or persons so conveying are hereby indemnified for what they respectively do by virtue of or in pursuance of this Act.

This section protects trustees, executors, administrators, and guardians from the consequences of any act which would be outside the powers conferred upon them by the instrument appointing them, provided such act comes within the scope of above section.

Secs. 76, 77.

**Remedy in case
of absence of
owner.**

76. If the owner of land duly selected for the said purpose is absent from the county in which the land lies, or is unknown, the trustees may procure from a sworn surveyor a certificate that he is not interested in the matter; that he knows the land and that some certain sum therein named is, in his opinion, a fair compensation for the same; and on filing the said certificate with the Judge of the County Court of the county in which the land lies, accompanied by an affidavit or affidavits which satisfy the Judge that the owner is absent from the county and that, after diligent enquiry, he cannot be found, the Judge may order a notice to be inserted for such time as he sees fit in some newspaper published in the county; and he may in addition thereto, order a notice to be sent to any person by mail, or may direct service of the same to be effected in such other way as he sees fit.

The surveyor mentioned in this section must be duly authorized to practise as a surveyor according to the provisions of the Act respecting Land Surveyors and the Survey of Lands, as any other person is liable to a penalty of \$40. (R.S.O., 1887, c. 152, s. 2.)

For forms of certificate, affidavit, and notice, see *Forms 25, 26, and 27, Appendix A.*

**What notice
shall contain.**

Arbitrators.

77. The notice shall contain a short description of the land, and a declaration of the readiness of the trustees to pay the sum certified as aforesaid; shall give the name of a person to be appointed as the arbitrator of the trustees if their offer of that sum is not

accepted; shall name the time within which the offer is to be accepted, or an arbitrator named by the owner; and shall contain any other particulars which the County Judge may direct. Secs. 77, 78, 79.

For form of notice, see *Form 27*, Appendix A.

78. If within such time as the Judge directs, the owner does not notify the trustees of the acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, the Judge shall, on the application of the trustees, appoint a sworn surveyor to be sole arbitrator for determining the compensation to be paid for the property. Judge may appoint arbitrator.

See remarks under section 76 as to the qualification of the surveyor.

79. Where land is taken by the trustees without the consent of the owner, the compensation to be paid therefor shall stand in the stead of the land; and after the trustees have taken possession of land any claim to, or incumbrance upon the same or any portion thereof, shall as against the trustees, be converted into a claim to the compensation or to a proportion thereof, and the trustees shall be responsible accordingly whenever they have paid such compensation or any part thereof to a party not entitled to receive the same, saving always their recourse against such party. Responsibility of trustees as to compensation.

See remarks under section 69 (2).

Secs. 80, 81.

In case of incumbrance.

Deposit of compensation money.

Award to be registered.

80. If the trustees have reason to fear any claims or incumbrance, or if any party to whom the compensation or any part thereof is payable refuses to execute the proper conveyance, or if the party entitled to claim the same cannot be found or is unknown to the trustees, or if for any other reason the trustees deem it advisable, they may pay the arbitration and other expenses, and deposit the amount of the compensation with the High Court, or in such other manner as the inspector may direct, with interest thereon for six months, and may deliver therewith an authentic copy of the conveyance, or of the agreement or award if there be no conveyance; and such agreement or award shall thereafter be deemed to be the title of the trustees to the land therein mentioned, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper registry office on an affidavit of the secretary-treasurer of the board of trustees verifying the same.

See *Holmsted and Langton's* Judicature Act, Con. Rules 163 to 171, as to the mode of paying money into Court.

ALTERATION OF SCHOOL BOUNDARIES.

Powers of township councils.

Union of existing sections.

81. Every township council shall have power,

(1). To pass by-laws to unite two or more sections in the same township into one, in

case, at a public meeting in each section called by the trustees or inspector for that purpose, a majority of the ratepayers present at each of such meetings request to be united.

The requirements of *The Consolidated Municipal Act* as to the formal manner in which every council shall exercise its powers are of a general character, and apply to the action of township councils in making territorial changes for school purposes. The powers of the municipal corporation are to be exercised by by-law when not otherwise authorized or provided for, and this by-law is to be under the corporate seal, signed by the head and by the clerk of the corporation; otherwise it is invalid. (55 Vict., c. 42, ss. 282, 288; *Holt et al. v. The Corporation of the Township of Medonte et al.*, 22 O.R., at p. 305.)

The division of school sections is a very important part of the work of government which is entrusted to municipalities, involving the exercise of legislative powers, as to which the conclusion of the council should be embodied in a by-law by the very terms of this section. And legislative duties such as this must be performed by by-law. (*Croft v. The Town Council of Peterborough*, 5 C.P. 35; Harrison's Municipal Manual, fifth edition, pp. 209 and 523.)

The by-law defining the limits of the united sections should set out such limits intelligibly; for, if the boundaries are indefinite and fluctuating, the by-law is invalid. (*Haacke v. The Municipality of Markham*, 17 Q.B. 562; *In re Simmons and the Corporation of the Township of Chatham*, 21 Q.B. 275.)

If the by-law is invalid, the proper parties against whom an action should be brought to have the by-law set aside for such invalidity are the township corporation and the individual members of the proposed new school board. (*Wallace v. The Board of Public School Trustees of Lobo*, 11 O.R. 648; *Holt et al. v. The Corporation of the Township of Medonte et al.*, 22 O.R. 302.)

But the Court will refuse to quash a by-law where

Sec. 81. there is delay in making the application. (*Hill v. The Municipality of Tecumseth*, 6 C.P. 297; *Cotter v. Darlington*, 11 C.P. 265.)

The trustees have power under sub-section 11 of section 40 to call the meetings required by this section, and the notice sent out by them should specify the reason for calling the meeting. (*In re Taber and the Corporation of the Township of Scarborough*, 20 Q.B. 549.)

Alteration, etc.,
of school
sections.

(2). To alter the boundaries of a school section, or divide an existing section into two or more sections, or to unite portions of an existing section with another section, or with any new section, in case it clearly appears that all persons to be affected by the proposed alteration, division or union respectively, have been duly notified, in such manner as the council may deem expedient, of the proposed proceeding for this purpose, or of any application made to the council to do so.

See *Haacke v. The Municipality of Markham*, 17 Q.B. 562, and *In re Simmons and the Corporation of the Township of Chatham*, 21 Q.B. 275, cited under previous sub-section.

The mode and sufficiency of the notice seems to be in the discretion of the township council; but in *Holt v. The Corporation of the Township of Medonte*, cited above, it was argued that a letter sent by the township clerk to, and received by, the secretary-treasurer of a school section, that the former's council intended at their next meeting, to be held five days after the receipt of such letter, considering the advisability of passing a by-law for the purpose of dividing the school section, was an insufficient notice. And a notice given by the trustees of a section from which certain lots were taken by an alteration to the trustees of the section to which such lots were added has been held to be insufficient. (*Patterson and The Corporation of the*

Township of Hope, 30 Q.B. 484.) And where a union school section has been formed, consisting of part of a section in one municipality and part of a section in another, and the former municipality pass a by-law defining the limits of the former section and bringing it entirely within their municipality, excluding that part of the section in the latter municipality which had belonged to it, the objection of a ratepayer of the latter municipality that no notice has been given to those persons affected in the former municipality would have no effect. (*In re Ness and the Municipality of Saltfleet*, 13 Q.B. 408.) And it would seem that no notice need be given to any persons in the latter municipality. (*Ib.*)

Before any alteration can be made in the limits of a school section, notice must be given to the parties interested in the proposed alteration; otherwise the by-law is liable to be quashed. (*Griffiths v. Municipality of Grant-ham*, 6 C.P. 274; *Shaw et al. and the Corporation of the Township of Manvers*, 19 Q.B. 288; *In re Ness and the Municipality of Saltfleet*, 13 Q.B. 408; *In re Isaac and the Municipality of Ephrasia*, 17 Q.B. 205.) It is not necessary to recite in the by-law that the requisite notice has been given. (*In re Ness and the Municipality of Saltfleet*, 13 Q.B. 408.)

A municipality may alter the boundaries of school sections, not being union school sections, within their townships, by taking from one and adding to another without any previous request of the ratepayers, and notwithstanding their disapprobation of the change, provided that those affected by the alteration have notice of the intention to make it. (*In re Ley and the Municipality of Clarke*, 13 Q.B. 433.)

An alteration in the boundaries of a school section does not make it necessary to call a school section meeting and appoint new trustees. (*Chief Superintendent, In re Trustees Section 2, Township of Moore v. McRae*, 12 Q.B. 525.)

For form of notice by township council of its intention to alter the boundaries of a public school section, see *Form 28*, Appendix A.

Sec. 81.

By-law for
altering school
sections.

(3). Any such by-law shall not be passed later than the first day of May in any year, and shall not take effect before the 25th day of December next thereafter, and shall remain in force, unless set aside as hereinafter provided, for a period of five years. The township clerk shall transmit forthwith a copy of such by-law and minutes relating thereto to the trustees of every school section affected thereby, and to the Public School inspector.

That part of a divided or altered section in which the schoolhouse continues to be situated is held to be the old or original section. The trustees who live in the old part remain the lawful trustees of the section, and only go out of office on the expiration of their term of trusteeship. Those only who, by the alteration of the section, are placed outside the new boundaries, and thus become non-residents, become disqualified (s. 15), and cease to be trustees when the alteration takes effect. As a general rule, it is scarcely worth while to anticipate the annual meeting and elect a trustee or trustees in the place of the one or more who may cease to hold office on the 25th of December, by reason of non-residence, caused by their being placed outside the boundaries as explained above. The remaining trustee or trustees in the section (as well as the secretary-treasurer or inspector) can give notice of the annual school meeting. Should, however, an election be held before the annual meeting, the trustee elected at such election only holds his seat for the residue of the term for which his predecessor could hold office (s. 104), and another election must be held at the annual meeting on the last Wednesday in December to fill up the usual vacancy caused by the retiring trustee (s. 17).

It is not necessary that the by-law should state on its face that the alteration shall not go into effect till the 25th December following the passing thereof. (*Cotter v. Darlington*, 11 C.P. 265.) It is only necessary that the alteration

should not go into effect before that date. (*In re Ness and Saltfleet*, 13 Q.B. 408; *In re Isaac and Euphrasia*, 17 Q.B. 205.)

An alteration in the boundaries of a school section does not make it necessary to call a school section meeting and appoint new trustees. (*Chief Superintendent, In re Trustees Section 2, Township of Moore v. McRae*, 12 Q.B. 525; *Chief Superintendent, In re Gill and Jackson et al.*, 14 Q.B. 119.) But when a *new* section is formed from part of one section and the whole of another, it seems that it is necessary to hold an election at the usual time for the election of trustees for the new section. (*McGregor v. Pratt*, 6 C.P. 173.)

And one or more alterations in the boundaries of a school section, or the change of ownership of land in the section by many of the ratepayers originally liable, does not relieve the trustees from the responsibility of paying a just debt due by the original section before any such alteration was made. (*Scott v. The School Trustees of Burgess and Bathurst*, 21 C.P. 398.)

And notwithstanding any alteration which may be made in the boundaries of any school section, the taxable property situated in the school section at the time when a loan for the purchase of a school site or sites, or for the erection of a schoolhouse or houses, or any addition thereto, or for the purchase or erection of a teacher's residence, was effected shall continue to be liable for the rate which may be levied by the township council for the repayment of the loan (s. 115, s-s. 4).

As to mode of setting aside by-law, see next section.

82. (1). A majority of the trustees, or any five ratepayers of any one or more of the school sections concerned, may within twenty days, by notice filed in the office of the county clerk, appeal to the county council of the county in which such section or sections are situated, against any by-law of the township

Appeal to
county council.

Sec. 82. council for the formation, division, union or alteration of their school section or school sections, or against the neglect or refusal of the township council, on application being made to it by the trustees, or any five rate-payers concerned to alter the boundaries of a school section or school sections within the township.

See as to the retrospective effect of this section, *Re Proper and the Corporation of the Township of Oakland*, 34 Q.B. 266.

For form of appeal to a county council under this section, see *Form 92*, Appendix A.

(2). The time herein mentioned for appeal shall run from the date of the by-law complained of, or from the date of the meeting at which the council refused to pass such by-law, or from the first meeting after which notice was received from the clerk of the application of the trustees or ratepayers asking for such by-law to be passed as the case may be.

Appointment of
arbitrators.

(3). The county council may, if it thinks fit, appoint as arbitrators not more than five, or less than three, competent persons, two of whom shall be the County Judge, or some person named by him, and the county inspector, and a majority of whom shall form a quorum to hear such appeal and to revise, determine or alter the boundaries of the school section or school sections, so far as to settle the matters complained of; but the alterations or determination of the said matters shall not

take effect before the 25th day of December Secs. 82, 83.
in the year in which the arbitrators so decide,
and shall thence continue in full force for the
period of five years at least, and until law-
fully changed by the township council.

As to the latter part of this section, see remarks as to
election of a trustee or trustees under sub-section 3 of
section 81.

(4). No person shall be competent to act as Who may not
act as arbitra-
tors.
arbitrator, who is a member of the township
council, or who was a member at the time at
which the council passed or refused or
neglected to pass the by-law or resolution.

Should such a person act, the by-law is liable to be
quashed.

An arbitrator should be impartial. If corrupt conduct
on the part of an arbitrator be shown, his award will be set
aside. (*Tittensen v. Peat*, 3 A. & R. 529; *Earle v.*
Stocker, 2 Vern. 251; *Burton v. Knight*, *ib.*, 514; *Morgan v.*
Mather, 2 Ves. 15; *Lonsdale v. Littledale*, 2 Ves. 451;
Emery v. Wase, 5 Ves. 846; *Clarke v. Stocken*, 2 Bing,
N.C. 651.) But mere suspicion of misconduct is not
enough. (*Crossley v. Clay*, 5 C.B. 581.)

(5). Due notice of the alterations or the Notice.
determination of the said matters made by
the arbitrators shall be given by the inspector
to the clerk of the township and to the trustees
of the school sections concerned.

For form of notice, see *Form 30*, Appendix A.

83. On the formation, dissolution, division Adjustment of
claims between
unions in same
township.
or alteration of any school section in the
same township, in case the trustees of the

Secs. 83, 84. sections interested are unable to agree, the county inspector and two other persons appointed by the township council as arbitrators shall value and adjust in an equitable manner all rights and claims consequent upon such formation, division, dissolution or alteration between the respective portions of the township affected, and determine in what manner and by what portion or by whom the same shall be settled; and the determination of the said arbitrators or any two of them shall be final and conclusive.

Disposal of
school property
when not
wanted.

84. In case a school site or schoolhouse or other school property is no longer required in a section, in consequence of the alteration or the union of school sections, the same shall be disposed of, in such a manner as a majority of the ratepayers in the altered or united school sections may decide at a public meeting called for that purpose; and the ratepayers transferred from one school section to another shall be entitled, for the Public School purposes of the section to which they are attached, to such a proportion of the proceeds of the sale of such schoolhouse or other Public School property as the assessed value of their property bears to that of the other ratepayers of the school section from which they have been separated; and the residue of such proceeds shall be applied to the erection of a new schoolhouse in the old school section, or to other Public School purposes of such old

section. In the case of united sections, the ^{Secs. 84, 85.} proceeds of the sale shall be applied to the like Public School purposes of such united sections.

For form of deed, see *Form 31*, Appendix A.

UNION SCHOOL SECTIONS.

85. All school sections existing on the 1st ^{Unions existing} day of January, 1891, and all union school ^{1st January,} sections which on that date existed in fact, and whether formed in accordance with the provisions of the law in that behalf or not, are to be deemed to have been legally formed, and shall continue to exist, subject, however, to the provisions of this Act so far as applicable as if they had been formed thereunder; and in cases where any union has before said date been adjudged by any court or judge to have been illegally formed, or where any proceedings were pending at said date on that ground, further proceedings may be stayed, upon payment of such costs or expenses, if any, as the court or judge may award.

This section is the same as that put in force on 2nd March, 1877, the statute 40 Vict, c. 16, s. 11, s-s. 4, enacting that all school sections existing on that date, and all unions of school sections which on that date existed in fact, whether formed in accordance with the provisions of the law or not, should be considered legally formed. And even where it had been decided previous to the passing of above statute that a union section was illegally formed, the Court held that the union section existed as a fact, at the passing of the Act, and was legalized by it. (*In re Petition of Minister of Education*, 28 C.P. 325; *Boyd v. The Public School*

Secs. 85, 86, Board of the Village of Bobcaygeon, in the County of Victoria, 43 Q.B. 35.)

Section 85 has simply legalized any union sections formed since 2nd March, 1877, and existing on 1st January, 1891, whose formation was not in accordance with the provisions of the statute in that behalf. The procedure for legally forming, altering, or dissolving union school sections is fully set out in section 87.

What unions
may be formed.

86. A union school section may be formed between (a) parts of two or more adjoining townships; (b) parts of one or more townships and an adjoining town or incorporated village.

No power is given under this section for the formation of a union section out of sections in different townships (*Halpin v. Calder*, 26 C.P. 501); nor out of parts of sections, but only out of two sections. (*Askew v. Manning et al.*, 38 Q.B. 345.)

Procedure for
formation, alter-
ation or dissolu-
tion of union.

87. The following shall be the procedure for the formation alteration or dissolution of union school sections:

(1). On the joint petition of five ratepayers from each of the municipalities concerned, to their respective municipal councils, asking for the formation, alteration or dissolution of a union school section, each municipal council so petitioned may appoint an arbitrator (who must not be a member of the council), notice of which shall be sent by the respective clerks to the inspector or inspectors of the district or districts concerned, who shall be *ex officio* arbitrators.

For form of petition, see *Form 32*, Appendix A; and for form of notice, see *Form 33*, Appendix A.

(2). In cases where the persons so appointed arbitrators would be an even number, the senior County Court Judge, or some person by him appointed to act in his behalf, shall be added, or in the case of an arbitration affecting two or more counties, then the senior County Court Judge of the county having the largest population according to the last Dominion census, or some person by him appointed to act in his behalf shall be added.

(3). The first meeting of the arbitrators shall be called by the inspector representing the greatest number of schools who shall give ten days' notice in writing of such meeting to the clerks of the municipalities concerned.

For form of notice, see *Form 34*, Appendix A.

(4). In case the arbitrators shall determine upon the formation of a new union section, or upon the alteration of the boundaries of an existing union school, they shall in their award set forth the specific parcels of land to be included in such new union school section, or in such altered section as the case may be. In the event of the transfer of any parcel or parcels of land from an existing union section to some other section or sections the arbitrators shall in their award set forth to what other section or sections such transfer shall be made, and any such transfer shall be binding and operative for all school purposes till altered as provided by this Act.

The award forms the title to the parcel transferred until

Sec. 87. the boundaries of the section to which the said parcel is transferred is altered or otherwise dealt with in accordance with section 81 (2). See also next sub-section.

(5). In case the arbitrators shall determine upon the dissolution of an existing union they shall set forth in their award the section or sections to which the parcels of land comprising such union shall be attached for school purposes, and any such transfer of the parcels of land comprising a union school section to an adjoining section or sections shall be binding and operative till the boundaries of such section or sections are altered as provided by this Act.

See remarks under previous sub-section.

(6). Where the arbitrators find that it would be in the interest of the parties concerned, and where in their opinion it is practicable so to do, they may at their discretion form part of the territory of any union section into a non-union section, and in such cases they shall indicate the parcels of land of which such non-union section shall be composed. The remainder of the union section shall be disposed of as hereinbefore provided.

See sub-sections 4 and 5 of this section as to the disposal of the remainder of the union section.

(7). When a new union school section is formed or an existing union school section altered the arbitrators shall determine and fix the proportion which the part in each

municipality shall be liable to contribute towards the erection and maintenance of the school and other requisite expenses, and such determination shall be binding for a period of three years.

(8). In any award made under this section the arbitrators shall value and adjust, in an equitable manner, all rights and claims consequent upon the formation, alteration or dissolution of union sections between the respective municipalities and school sections concerned, and shall also determine in what manner and by what municipality or municipalities, or what portions thereof the same shall be paid and the sum or sums of money to be paid by one portion of the municipalities or school sections concerned to the union school so formed or altered, and the disposition of the property of the union and any payment by one portion to the other, and such valuation, adjustment and determination shall form and be considered an integral portion of their award, and shall be binding on the municipalities and school sections concerned, subject to the provisions of this Act.

For form of award, see *Form 35*, Appendix A.

(9). When a new union school section is formed by arbitration, as herein provided, the inspector, authorised under sub-section 3 to call the first meeting of the arbitrators, shall call the first meeting for the election of

Sec. 87. Trustees, and shall proceed as the clerk of the municipality is directed to proceed in section 29 of this Act.

Section 29, which prescribes the proceedings to be taken on the formation of a new school section, enacts as follows :

"Where a new school section is formed in any township as provided in this Act, the clerk of the township shall cause notice to be posted in three of the most public places in the new school section, calling the first annual meeting thereof at least six days before the last Wednesday in December in the year in which such new school section was formed, and the first meeting in every new school section shall be held at the same time as the annual meeting in school sections. The meeting shall be organized, and the proceedings conducted, as near as may be, according to the provisions of sections 19 to 24 of this Act, inclusive." See also sections 19 to 24, and remarks thereunder.

For form of notice, see *Form 6*, Appendix A.

(10). Such union, alteration, or dissolution shall not take effect until the 25th day of the month of December, which will be at least three months after the award of the arbitrators or a certified copy thereof is filed with the clerks of the municipalities concerned.

(11). No union school section shall be altered or dissolved for a period of five years after the award of the arbitrators has gone into operation, but nothing herein contained shall be construed as restraining any municipal council from enlarging the boundaries of any union school section from time to time as may be deemed expedient.

88. When the territory which it is proposed to form into a union school or when the union school section which it is proposed to alter or dissolve, lies wholly within a county the trustees or any five ratepayers in the territory or union section concerned, or the inspector or inspectors, may within one month after the making thereof appeal in writing to the county council against any award made by the arbitrators either for the formation, alteration or dissolution of such section, or against the neglect or refusal of the township council or councils concerned to appoint arbitrators, as provided in section 87 of this Act, and on receipt of such appeal the county council shall have power to appoint not more than three arbitrators, who shall neither be ratepayers in the territory or school section concerned, nor members of the municipal councils concerned, and such arbitrators shall have all the powers of arbitrators appointed under section 87, and the decision of a majority of them shall be final and conclusive. The first meeting of such arbitrators shall be called by the county clerk.

Secs. 88, 89.

Appeal relating to union school within a county.

For form of appeal to a county council under this section, see *Form 29*, Appendix A ; and for form of notice of the decision of the arbitrators in regard to such appeal, see *Form 30*, Appendix A.

89. When the territory which it is proposed to form into a union school or when the union school section which it

Appeal relating to union school within two or more counties.

Secs. 89, 90. is proposed to alter or dissolve, lies partly within two or more counties, the trustees or any five ratepayers in the territory or union school section concerned, or the inspector or inspectors, may within one month after the making thereof appeal against any award made by arbitrators for the formation, alteration or dissolution of such section, or against the refusal or neglect of the township council or councils concerned to appoint arbitrators, to the Minister of Education, who shall have power to alter, determine or confirm such award, or where no award was made, then at his discretion to appoint not more than three arbitrators who shall have all the power of arbitrators appointed under section 86 of this Act, and the decision of a majority of them shall be final and conclusive. The first meeting of such arbitrators shall be called by the Minister of Education.

Payment of
rates in union
school sections.

90. The school rates of every union section shall be collected by the collectors of the municipality in which each part of the union section is respectively situate, and the amount collected from the several ratepayers in each part of the union section shall be paid by the respective collectors to the treasurer of the municipality in which such part of the union section is situate, and such treasurer shall pay over the same without any charge or deduction to the trustees entitled thereto.

A school rate in a union school section illegally formed,

but existing on 1st January, 1891, is legal, and can be collected, by virtue of section 85 of this Act. See section 85, and remarks thereunder. Secs. 90, 91, 92, 93.

91. When any township municipality is divided by Act of the Legislative Assembly for municipal purposes, all school sections which may, by such division, be situated partly in each of the newly formed municipalities, shall be deemed union sections until otherwise altered under the provisions of this Act. School sections when municipality divided.

The result of this enactment seems to be that where a *school section* is situate in a municipality, the boundaries of which are altered by legislation so as to include only part of such school section and place the remaining part in another municipality, such school section thereby becomes converted into a *union school section*.

92. Every union school section shall, for the election of trustees, be deemed one school section, and shall be considered in respect to inspection as within the municipality in which the schoolhouse is situated, or if there be two or more schoolhouses then in the municipality having the largest amount of assessed property. Elections of trustees, and inspection of union school sections.

The municipality within which is the largest amount of assessed property should be left to the decision of the inspector, who must obtain the necessary information from the clerks of the respective municipalities, and base such decision thereon.

93. (1). In case a portion of the territory composing one or more school sections becomes incorporated as a village or town, the Continuation of boundaries of rural sections.

Secs. 93, 94. boundaries of such school section or sections shall continue in force and shall be deemed a union school section, and the provisions of this Act respecting the election of Public School trustees in towns or villages shall apply thereto until such union is altered or dissolved as provided by this Act.

See sections 102 and 103 as to the election of public school trustees in towns and villages.

See section 87 and sub-sections thereof as to alteration or dissolution of union school sections.

Where rate-payers to vote when municipality divided into wards.

(2). In the case of a town or incorporated village divided into wards to which a part of an adjoining township or townships is attached for school purposes, the board of trustees of such union school section shall by resolution determine in which ward or wards the rate-payers of the township part shall vote for the election of school trustees and at elections on other school questions, and in case of no such resolution, then such portion of the township shall be considered for all election purposes as attached to the ward or wards adjacent.

This resolution should be passed at a meeting of the board of trustees held any time during the year.

Where part of a township is annexed to a city.

94. When any portion of a township municipality is annexed to a city or town by proclamation, the portion so annexed shall for all school purposes be deemed to be part of such city or town, provided always that when the portion annexed does not include

the whole of any contiguous school section, the respective municipalities shall, unless determined by mutual agreement between themselves after such annexation, each appoint an arbitrator who, with the senior County Judge of the county, shall value and adjudge in an equitable manner the rights and claims of all parties affected by such annexation, and who shall determine by what municipality or portion thereof, the same shall be adjusted, paid or settled, and the award of such arbitrators shall be final and conclusive, and the money found due, either by mutual agreement or under the award, shall be deemed money for school purposes and the provisions of section 115 of this Act shall not apply to the money so required to be paid under the award or mutual agreement, and a debenture or debentures may issue to be payable out of the taxable property of that part of the school section remaining in the indebted municipality, upon a requisition of the trustees of said school section, without calling a special meeting of the electors, and upon the terms and conditions set forth in a by-law of the said municipality, anything in this Act to the contrary notwithstanding.

"In all cases in which two municipal corporations are united by proclamation, or by any Act of the Legislative Assembly, all the assets and liabilities of the school corporations of the minor municipality shall be assumed by the school corporation of the united municipality." 55 Vict., c. 61, s. 5.

Secs. 94, 95. Under this section, the school trustees have power to require the issue of debentures without first submitting the question to the vote of the electors of the municipality who are supporters of public schools, as is required by sections 115 (3) and 116.

EQUALIZATION OF UNION SCHOOL ASSESSMENTS.

Assessors to
determine
proportion.

95. (1). Once in every three years the assessors of the municipalities in which a union school section is situated, shall, after they have completed their respective assessments and before the first day of July meet and determine what proportion of the annual requisition made by the trustees for school purposes shall be levied upon and collected from the taxable property of the respective municipalities out of which the union school section is formed. Notice of such determination shall be given forthwith to the secretary-treasurer of the union school section concerned.

For form of notice, see *Form 36*, Appendix A.

Arbitration
where assessors
disagree.

(2). In the event of the assessors disagreeing as to such proportion, as aforesaid, the inspector in whose district the union school section is situated shall name an arbitrator who, with the assessors aforesaid shall determine the said matter and report the same to the clerks of the respective municipalities, and the decision of a majority shall be final and conclusive for the period of three years.

(3). When the union school section is composed of portions of two adjoining counties, then on the disagreement of the assessors the inspector of the county in which the schoolhouse of the union section is situated shall name an arbitrator, and the decision of a majority shall be final and conclusive for the period of three years.

Secs. 95, 96.

When school section lies in two counties.

(4). The meeting of the assessors, for the purposes herein set forth, shall be called by the assessor of the municipality in which the schoolhouse of the union section is situated.

Meeting of assessors to determine proportion.

(5). The assessors or the assessors and arbitrator appointed as herein required may, at the request of the inspector or five rate-payers, within one month after the filing thereof with the clerk reconsider their award, and alter or amend the same so far as to correct any omission or error in the terms in which such award is expressed.

Reconsideration of award.

96. (1). Any by-law of a municipality for forming, altering or dissolving a school section or sections, and any award made by arbitrators appointed to consider an appeal from a township council with respect to any matter authorized by this Act shall be valid and binding, notwithstanding any defect in substance or form, or in the manner or time of passing or making the same, unless notice to quash such by-law or to set aside such award is filed in the office of the township clerk

By-law altering sections to be valid unless notice to quash given.

Sec. 96. within one month of the publication of such by-law or award.

A freeholder of a township has an interest in its by-laws sufficient to enable him to move to quash any one or more of them; he need not be a resident. (*In re De La Haye v. The Municipality of the Township of and the Gore of Toronto*, 2 C.P. 317.)

And an owner of real estate which has been assessed is entitled to move against a by-law, though his name does not appear on the roll. (*Boulton and the Town Council of the Town of Peterborough*, 16 Q.B. 380.)

There is nothing inconsistent in an applicant bringing an action to set aside an award, as he is not bound to elect between attacking the by-law and attacking the award. But where the applicant, being called upon by the Court to elect, had elected to attack the award and consented to a decree setting it aside, and ordering a new arbitration, which arbitration he had prosecuted until another award was made, which he had not moved against within the time allowed therefor, the Court held that he could not afterwards complain of having been forced to elect at the hearing. (*Harding v. Township of Cardiff*, 2 O.R. 329.)

Where an objection to a by-law is without merits, and inconvenience would be likely to ensue, the Court may refuse to quash such by-law. (*Begg v. Township of Southwold*, 6 O.R. 184.) And where there is a considerable delay on the part of the applicant which is unexplained, the Court may also refuse to quash the by-law. (*In re McAlpine and the Township of Euphemia*, 45 Q.B. 199.) And see also as to the question of delay in moving to quash a by-law, *Leddingham and the Corporation of the Township of Bentinck*, 29 Q.B. 206; *Taylor and the Corporation of the Township of West Williams*, 30 Q.B. 337; *Carroll v. Perth*, 10 Chy. 64. Where the operation of a by-law or resolution is spent, it will not be quashed. (*Daniels and the Municipal Council of Burford*, 10 Q.B. 478; *Terry v. Municipality of the Township of Haldimand*, 15 Q.B. 380.) And the Court will not quash a by-law repealed after it has

been moved against, but the municipality will have to pay **Secs. 96, 97.** the costs of the application. (*In re Coleman*, 9 C.P. 146; *In re Coyne and the Municipal Council of Dunwich*, 9 Q.B. 309.) And the Court will not quash a by-law for want of a seal, as without the seal it could not be treated as a by-law. (*In re Croft and the Municipality of the Township of Brooke*, 17 Q.B. 269; *In re Mottashed and the Corporation of the County of Prince Edward*, 30 Q.B. 74.) The Court will only quash a by-law for illegality, not for want of clearness of expression, or a difficulty in construing or applying its provisions. (*In re Smith and the City of Toronto*, 10 C.P. 225; *Hodgson v. Municipal Councils of York and Peel, and of Ontario*, 13 Q.B. 268.) And the quashing of a by-law is not imperative, but discretionary. (*Re Milloy and the Township of Onondaga*, 6 O.R. 573; *Hodgson v. Municipal Councils of York and Peel, and the Municipal Council of Ontario*, 13 Q.B. 268; *In re Michie and the Corporation of the City of Toronto*, 11 C.P. 379.)

For form of notice to quash by-law or award, see *Form 37*, Appendix A.

(2). Such by-law or award shall be deemed to be published when a copy thereof is served upon the secretary or secretary-treasurer of each board of trustees affected thereby.

When deemed publication of by-law.

The by-law or award should be served personally, so that the service, if necessary, may be proved.

(3). Any by-law or award confirmed, as in this section provided, shall be valid and binding for a period of five years.

By-law to be binding for five years.

PUBLIC SCHOOL BOARDS IN CITIES, TOWNS AND INCORPORATED VILLAGES.

97. Every board of Public School trustees in cities, towns and incorporated villages,

Board to be a corporation.

Secs. 97, 98, 99. elected as provided by this Act shall be a corporation by the name of "The Public School Board" (prefixing to words "Public School Board" the name of the city, town or incorporated village for which such trustees are elected), and shall have and possess all the powers usually possessed by corporations, so far as the same are necessary for carrying out the purposes of this Act.

See remarks under section 7.

Who may be
elected trustees.

98. Any ratepayer resident in the municipality of the full age of twenty-one years shall be eligible to be elected a Public School trustee, and every trustee shall continue in office until his successor has been elected and the new board organized.

See remarks under section 15.

First election
of trustees.

99. (1). In case any unincorporated village becomes incorporated or in case a village, or town changes its corporate status, the trustees having jurisdiction over the school property situated within such village, or town, prior to its incorporation or prior to the change of its corporate status, shall exercise all the powers conferred by this Act upon the trustees of incorporated villages, towns or cities, until a new election of trustees is held, and such trustees shall call a meeting of the ratepayers of such incorporated village, town or city within one month after the date of such incorporation for the election of a new Public School board.

(2). In calling the meeting of the ratepayers ^{Secs. 99, 100.} of such newly incorporated village, town or city, the provisions of section 102 of this Act shall be complied with so far as the same are applicable. Where the trustees of the municipality whose corporate status was changed were elected by ballot, the provisions of section 103 of this Act shall apply to the election of trustees in such newly incorporated town or city.

Unless the trustees of any unincorporated village, previous to its incorporation, or of a village or town previous to any change in its corporate status, were elected by ballot, the provisions of section 102 of this Act shall apply to the election of trustees in such unincorporated village on its becoming incorporated, or in such village or town after a change has taken place in its corporate status. If such trustees were, on the contrary, previously elected by ballot, then the provisions of section 103 apply to the election of trustees in such newly incorporated village, town, or city.

100. (1). For every ward into which any ^{Trustees in city, etc., divided into wards.} city, town or incorporated village is divided there shall be two school trustees, each of whom, after the first election of trustees, shall continue in office for two years, and until his successor has been elected and the new board organized.

By statute 54 Vict., chapter 82, being an Act respecting the City of Toronto, special provision was made for the election of *four* public school trustees for each of the wards into which the City of Toronto was by section 9 of that Act divided, thus overriding, so far as the City of Toronto is concerned, the provisions of above section.

Sec. 100. Section 10 of above statute provides that :

"(1) Notwithstanding the provisions of *The Public Schools Act, 1891*, all the members of the Toronto Public School Board shall retire from office at the time appointed for the next annual school election, when a new board shall be elected, the old board retaining office only until their successors shall have been duly elected and the new board organized.

"(2) For every ward into which the City of Toronto is divided by section 9 of this Act (54 Vict., c. 82) there shall be four school trustees, two of whom after the next annual school election shall continue in office for two years, and until their successors have been elected and the new board organized.

"(3) Two of the trustees in each ward (to be determined by lot at the first meeting of the board after the next annual school election, which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and the other two shall continue in office one year longer, and then retire, after which two trustees shall be elected annually for each ward.

"(4) In the pursuance of the resolution of the present board, and the notice by them given to the city clerk, the election of the new trustees, as aforesaid, shall be held by ballot on the same day as the municipal aldermen are elected at the next annual election thereof, under the provisions of section 103 of *The Public Schools Act, 1891*, and sub-sections thereof."

(2). One of the trustees in each ward (to be determined by lot at the first meeting of trustees after their election, which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school meeting, and the other shall continue in office one year longer

and then retire, after which one trustee shall be elected annually for each ward. Secs. 100, 101, 102.

See remarks under section 56.

(3). When any town or incorporated village is annexed to a city, the town or incorporated village so annexed shall, for all the purposes of this Act, be deemed to be part of the city.

101. (1). In every incorporated village not divided into wards there shall be six trustees, each of whom, after the first election for trustees, shall continue in office for two years and until his successor has been elected and the new board organized. Trustees in village not divided into wards.

(2). Three of the trustees (to be determined by lot at the first meeting of trustees after their election which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and the other three shall continue in office one year longer and then retire; after which three trustees shall be elected annually.

See sections 56 and 100 (2), and remarks thereunder.

102. The annual and other elections of Public School trustees, unless otherwise ordered, as provided by section 103 of this Act, shall be subject to the following provisions: Provisions for elections of trustees.

(1). A meeting of the ratepayers for the Nominations.

Sec. 102. nomination of candidates for the office of Public School trustee, shall take place at noon on the last Wednesday in the month of December, annually, or if a holiday on the day following, at such place as shall from time to time be fixed by resolution of the Public School board, and in municipalities divided into wards, in each ward thereof, if the board in its discretion thinks fit.

A nomination is a resolution submitted to the electors that the party named is a candidate for their suffrage for an office named. (*Reg. ex rel. Corbett v. Jull*, 5 P.R. 47.) The nomination must be made at the place named in the resolution; otherwise the election may be avoided. The Sessions of St. John had, pursuant to the Act of the Assembly, appointed a certain schoolhouse in the parish of L. as the place of meeting for the nomination of candidates for parish offices, but the poll clerk gave a notice for the meeting to be held at the house of one C., in the same settlement, and not more than seventeen rods distant from the schoolhouse. The parishioners met at the place named in the notice, organized the meeting, and then met to adjourn at the schoolhouse, where the election afterwards took place. The election was held to be void. (*Ex parte Robinson*, 3 Pugs. N.B. 389.)

A meeting of the electors (or ratepayers) means a coming together of the electors. The attendance of one person only could not be a meeting. (*Sharpe v. Dawes*, 2 Q.B.D. 26.)

**Returning
Officer.**

(2). The Public School board shall by resolution before the second Wednesday in December each year name the returning officer or officers to preside at the meeting or meetings for the nomination of candidates,

and also for holding the election in case of a poll, and in case of the absence of such officer the chairman chosen by the meeting shall preside, and the Public School board shall give at least six days' notice of such meeting. Sec. 102.

Under *The Consolidated Municipal Act*, section 93, these regulations have to be carried out by by-law. Under this Act, a resolution of the board of school trustees is sufficient. The notice must be given six full days before the meeting. (*In re Sams v. Toronto*, 9 Q.B. 181.) Where a statute says that a thing shall be done so many days, or so many days at least, before a given event, the day of the thing done and that of the event must both be excluded. (*Reg. v. Shropshire*, 8 A. & E. 173; *Mitchell v. Foster*, 9 Dowl. 527.) A notice of "ten days at least" for a hearing means that there shall elapse at least ten periods of twenty-four hours each between the day of the delivery of the notice and the day of hearing. (*Norton v. Salisbury*, 4 C.B. 37.) It means ten clear, full, and complete days, and not nine days and fractions of other two days. (*Adey v. Hill*, 4 C.B. 40.) See also *Howes v. Peirce*, 1 C.P.D. 670.

(3). If at such meeting only the necessary Proceedings at
nominations. number of candidates to fill the vacant offices are proposed and seconded, the returning officer or person presiding, after the lapse of one hour, shall declare such candidates duly elected, and shall so notify the secretary of the Public School board; but if two or more candidates are proposed for any one office and a poll in respect of any such office is demanded by any candidate or elector, the returning officer or chairman shall adjourn the proceedings for filling such office until the

Sec. 102. first Wednesday of the month of January then next, or if a holiday, then to the day following, when a poll or polls shall be opened at such place or places, and in each ward, where such exist, as shall be determined by resolution of the trustees.

Where more persons are proposed and seconded than necessary, and, after polling commenced, all except the necessary number retire, it would seem that the returning officer cannot close the poll except under the circumstances mentioned in this section. (*Reg. ex rel. Horne v. Clarke*, 6 L.J. 114.) The election is commenced when the returning officer receives the nomination of candidates. (*Reg. v. Cowan*, 24 Q.B. 606.)

By allowing an hour to elapse between the nomination and the proceeding to close the election in case of no further nominations, the Legislature means to protect the electors against haste and surprise. (*Reg. ex rel. Corbett v. Jull*, 5 P.R. 48.) Unless an opportunity be given to the electors present to express their assent or dissent, there cannot be said to be an election by acclamation. (*Ib.*)

**Hours of
polling.**

(4). The poll or polls shall be opened at the hour of ten of the clock in the forenoon, and shall continue open until five o'clock in the afternoon, and no longer, and any poll may close at any time after eleven o'clock in the forenoon, when a full hour has elapsed without any vote having been poll

If through some blunder the majority of the electors were to mistake the day of election, and abstain from voting, it might be held that an election by the minority was not a valid election. (*Reg. v. Bradford*, 20 L.J.Q.B. 226.)

Where a poll is demanded the election commences with it, as being the regular mode of popular election. In the

nature of things, the demand for a poll never is made, nor can it reasonably be expected to be made, until the necessity for such demand arises; that is, until one of the contending parties is dissatisfied with the decision of the chairman upon the show of hands. (*Campbell v. Maund*, 5 A. & E. 881, *per* Tindal, C.J.) The polling is a continuation of the proceedings initiated by the nomination. (*Reg. v. Archdeacon of Chester*, 1 A. & E. 342.) Where a poll is granted, a poll must be had, even although all the candidates except one, after the nomination, and before the polling, decline the contest. (*Wexford Election*, L.R. 3 Ir. C.L.R. 612; *Reg. v. Cooper*, L.R. 5 Q.B. 457.) At a township election, after the nomination of several candidates, the returning officer adjourned to another room to receive votes, but none were tendered. He then closed the poll. The election was held void. (*Reg. ex rel. Smith v. Blouse*, 1 P.R. 180.) It is necessary that during the hours for polling the electors should have free access to the polling places. The fact that a large number of duly qualified electors could not cast their votes is a sufficient reason for setting aside an election, if the result would have been affected by the unpolled votes. (*Reg. ex rel. Davis v. Wilson*, 3 L.J. 165; *Reg. ex rel. Kirk v. Asseltine*, 1 L.J. 49; *Reg. ex rel. Gibbs v. Branigan*, 3 L.J. 127; *Anon.*, 8 L.J. 76.)

(5). In cities, towns, incorporated villages, and in townships where Public School boards exist, the clerk of the municipality shall furnish to the Public School board, within three days after request in writing, 'The Voters' List,' of such municipality, annexing thereto a list of the names of persons being supporters of Separate Schools, and also a list of the names, alphabetically arranged, of all ratepayers not being already upon 'The Voters' List.'

In cities and towns divided into wards, clerk of municipality to furnish Voters' List to Public School Boards.

Sec. 102.

Certified copy
of list and a poll
book to be pro-
vided for each
polling place.
Entries in
Poll Book.

(6). The Public School board shall provide each polling place with the list aforesaid, and also a poll book; and, at every election at which a poll is demanded, the returning officer or person presiding, or his sworn poll clerk, shall enter in such book in separate columns the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the ratepayers offering to vote at the election, and shall, in each column on which is entered the name of a candidate voted for by a voter set the figure 'I' opposite the voter's name, with the residence of the voter.

Duty of return-
ing officer after
close of election.

(7). The returning officer or person presiding shall, on the day after the close of the election, return the poll book to the secretary or secretary-treasurer of the Public School board, with his solemn declaration thereto annexed, that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer.

For form of declaration, see *Form 37*, Appendix A.

Duty of secre-
tary.

(8). The secretary-treasurer shall add up the number of votes for each candidate for any office, as appears from the poll book so returned, and shall declare elected, the candidate or candidates having the highest number of votes, and shall forthwith notify the candidates in writing of the number of votes

polled for each of them respectively in said election. Secs. 102,
103.

For form of declaration, see *Form 38*, Appendix A.

(9). In case two or more candidates have an equal number of votes, the member of the board present at the first meeting thereof after such election and before the organization of the board, who is assessed highest as a ratepayer on the last revised assessment roll, shall give a vote for one or more such candidates, so as to decide the election. Casting vote.

See sub-section 3 of section 106, and remarks thereunder.

ELECTION BY BALLOT.

103. (1). The board of Public School trustees of any city, town, incorporated village or township may, by resolution, of which notice shall be given to the clerk of the municipality on or before the first day of October in any year, require the election of school trustees for such city, town, incorporated village, or township, to be held by ballot on the same day as municipal councillors, or aldermen are elected, as the case may be. In like manner any board of trustees may discontinue the use of the ballot in trustee elections on giving notice to the clerk of the municipality to that effect at the time hereinbefore mentioned, and thereafter elections for the purposes of this Act shall be conducted as provided in section 102. Elections of trustees on same day as municipal elections.

Trustees may discontinue use of ballot at elections.

Sec. 103. A formal resolution must be passed by the board of school trustees, discontinuing the use of the ballot, notice of which should be given by the secretary-treasurer to the clerk of the municipality.

For forms of notices under this section, see *Forms 39* and *40*, Appendix A.

Ballot not to be discontinued or resumed for three years after the change.

(2). Where any board of trustees require elections to be held by ballot, and elections are so held, no change shall be made in the mode of conducting such election for a period of three years, and should the mode of conducting the elections by ballot be discontinued at any time, then the provisions of section 102 shall apply for a period of three years at least after such discontinuance.

See remarks under previous sub-section as to discontinuance of election by ballot. The same form of notice can be used.

Mode of conducting elections by ballot.

(3). In every case in which notice is given as aforesaid requiring the election of Public School trustees to be held by ballot, such election shall thereafter be held at the same time and place, and by the same returning officer or officers, and conducted in the same manner as the municipal nominations and elections of aldermen or councillors are conducted, and the provisions of *The Municipal Act* respecting the time for opening and closing the poll, the mode of voting, corrupt or improper practices, vacancies, and declarations of office shall *mutatis mutandis* apply to the election of Public School trustees.

The Consolidated Municipal Act provides that the

election shall take place annually on the first Monday in January (s. 88). The time deserves attention. Where time is fixed for the holding of an election, it is in general essential, though many of the details as to the conduct of elections may be looked upon as only directory. (*Pennsylvania District Election*, 2 Par. (Pa.) 526; *Clarke's Case*, *Ib.* 521; *Commonwealth v. Commonwealth*, 5 Rawle 75; *People v. Brenham*, 2 Cal. 477; *People v. Fairbury*, 51 Ill. 149; *Haynes v. Washington County*, 19 Ill. 66; *Coles County v. Allison*, 23 Ill. 437.)

The council of every city, town, and village municipality appoint by by-law the place for holding the election (s. 90). The appointment of the place by resolution would be a nullity. (*Reg. ex rel. Allemaing v. Zoeger*, 1 P.R. 219.) And if the election is not held in the place named in the by-law, it is null. (*Reg. ex rel. Preston v. Preston*, 2 C.L. Chamb. 278.) Every election must be held in the municipality to which the same relates (s. 95). It is only proper that the election for each municipality should, for the convenience of voters, be held within the limits of that municipality. Cities, towns, and incorporated villages are quite distinct from, and independent of, the townships in which they are situate. It is therefore provided by section 96 that no election of township councillors shall be held within any city, town, or incorporated village. It therefore follows that no election of trustees for a township could be held in such places.

The clerk of the municipality acts as returning officer (s. 97). In case of his death or absence, provision is made for supplying his place (s. 99). A meeting of the electors takes place on the last Monday in December, at ten o'clock in the forenoon, or at noon (s. 109), to receive nominations (s. 107). See *Reg. ex rel. Corbett v. Jull*, 5 P.R. 47; *Ex parte Robinson*, 3 Pugs. N.B. 389; and *Sharpe v. Dawes*, 2 Q.B.D., cited under s. 107, sub-section 1. See also *Reg. v. Bradford*, 20 L.J.Q.B. 226. The clerk of the municipality acts as returning officer and presides at the meeting, or, in case of his absence, the council may appoint some person to preside in his place;

Sec. 103. and, if neither attend, the electors may choose some person from among themselves to act as chairman, who shall have all the powers of a returning officer (s. 108). The council should provide for the absence of the clerk, if at all apprehended or expected. Should they fail to do so, the electors present may choose a chairman. Should the electors choose one, it is submitted the chairman so chosen would have a right to conduct the nomination to its termination, notwithstanding the presence in the meantime of the clerk, or a person appointed by the council as his substitute. The electors, under section 108, are not, apparently, required to wait before making an appointment, as they are under section 99. The proceedings at the meeting, if not presided over by the officer or person assigned, would, in all probability, be held absolutely void. (*In re Hartley and Emily*, 25 Q.B. 15; *Reg. v. Backhouse*, 12 L.T.N.S. 579; *Pickering v. James*, L.R. 8 C.P. 489.)

Where the election is to be made by wards or polling subdivisions, the council of the municipality may appoint by by-law the places for holding the nominations in each ward, the returning officers who shall respectively hold the nominations for each ward, the polling places, and the deputy returning officers to preside thereat (s. 97). An appointment by resolution is not sufficient. (*Reg. ex rel. Allemaing v. Zoeger*, 1 P.R. 219.)

The clerk or other returning officer, whose duty it is to preside at the nomination meeting, shall give at least six days' notice of it (s. 115). See *Regina ex rel. Corbett v. Jull, supra*, section 102, sub-section 2.

At these meetings the clerk or other returning officer or chairman shall receive the nominations *seriatim*; and if only one candidate is proposed, the clerk or other returning officer or chairman shall, after the lapse of one hour from the time fixed for holding the meeting, declare such candidate duly elected. But if two or more are proposed for any particular office, and a poll is required by them respectively, or by any elector, the clerk or other returning officer or chairman shall adjourn the meeting till the first Monday in January next, when a poll or polls shall be

opened in each ward or polling subdivision, and shall continue open from nine a.m. to five p.m. (s. 116). Where more persons are proposed and seconded than necessary, and, after polling commenced, all except the necessary number retire, it would seem that the returning officer cannot close the poll, unless under the circumstances mentioned in section 116. (*Reg. ex rel. Horne v. Clarke*, 4 L.J. 114.) The election is commenced when the returning officer receives the nomination of candidates, and the disqualification of a candidate has reference to that day. (*Reg. v. Cowan*, 24 Q.B. 606; *Reg. ex rel. Adamson v. Boyd*, 4 P.R. 204.) It is not necessary to constitute an election that a poll should be demanded. (*Reg. v. Cowan*, *supra*.) By allowing an hour to elapse between the nomination and the proceeding to close the election, in case of no further nominations, the Legislature means to protect the electors against haste and surprise. (*Reg. ex rel. Corbett v. Jull*, 5 P.R. 48.) Unless an opportunity is given to the electors present to express their assent or dissent, there cannot be said to be an election by acclamation. (*Ib.*) See also remarks under s. 102 (4).

As to resignations of persons proposed for office at nomination meetings, see s. 117.

In case of a poll at an election, the votes shall be given by ballot (s. 118).

Provisions respecting the furnishing of ballot boxes by the clerk of the municipality, the construction and preservation of boxes, delivery to deputy-returning officers, etc., is made by s. 120. The clerk cannot properly act as clerk and be a candidate for office. (*Reg. v. White*, L.R. 2 Q.B. 557; *Reg. v. Ward*, L.R. 8 Q.B. 210.) The duties cast by this section upon the clerk are essential to the success of voting by ballot, one object of which is to secure secrecy of voting. So important is the performance of the duties by the clerk deemed that a penalty of \$100 is recoverable in respect of every ballot box which he fails to furnish (s. 120, s-s. 5).

The provisions as to the mode of voting, etc., are contained in sections 142 to 160 of said Act (see

Sec. 103. Harrison's Municipal Manual, 5th ed., pp. 105 to 119); as to corrupt or improper practices, in sections 209 to 222 (see Harrison's Municipal Manual, 5th ed., pp. 155 to 169); as to vacancies, in sections 177 to 186 (see Harrison's Municipal Manual, 5th ed., pp. 129 to 136); as to declarations of office, in sections 161 and 277 (see Harrison's Municipal Manual, 5th ed., pp. 119, 201, 202).

Form of ballot
papers.

(4). A separate set of ballot papers shall be prepared by the clerk of the municipality for all the wards or polling subdivisions, containing the names of the candidates nominated for school trustees, of the same form as those used for councillors or aldermen except the substitution of the words "school trustee" for councillors or aldermen, as the case may be, on said ballot papers.

Separate school
supporters not
to vote.

(5). In the list of qualified voters required by section 102 of this Act to be delivered to the returning officer by the clerk of the municipality before the opening of the poll, the clerk shall place opposite the names of any persons on the said list who are supporters of Separate Schools, the letters S. S. S. (signifying supporters of Separate Schools), and the returning officers shall not deliver to any such person a ballot paper for Public School trustees.

This and other similar provisions are made for confining the elections to those who are supporters of public schools. As to the powers and method of voting of separate school supporters, see *The Separate Schools Act*, R.S.O., 1887, c. 227, ss. 21, 22, and 23.

(5). In case any objection is made to the right of any person to vote at any election of school trustees the deputy returning officer shall require the person whose right of voting is objected to, to make the following oath or affirmation :—

Sec. 103.

Oath to be administered when voter objected to.

You swear (*or solemnly affirm*) that you are the person named, or purporting to be named, in the list (*or supplementary list*) of voters now shown to you (*showing the list to voter*) ;

Form of oath.

That you are a ratepayer ;

That you are of the full age of twenty-one years ;

That you are a public school supporter ;

That you have not voted before at this election, either at this or any other polling place in this ward or in this municipality (*where the municipality is not divided into wards*) for school trustee ;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election ;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election ;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election : So help you God.

It has been held that the swearing falsely by a voter, at an election, that he is the person described in the list of voters entitled to vote is not perjury. (*Thomas v. Platt*, 1 Q.B. 217.)

The refusal to take the oaths required by the returning

Secs. 103, 104. officer, and the reception of such votes notwithstanding, is a good ground for setting aside an election if the relator would otherwise have had a majority. (*Reg. ex rel. Dillon v. McNeil*, 5 C.P. 137.)

An agent of a candidate at an election, though not an elector himself, may object to voters and require the returning officer to administer the qualification oaths. (*Reg. ex rel. Gordanier v. Perry et al.*, 3 L.J. 90.)

Full age is twenty-one years, and is completed at any moment on the day preceding the anniversary of a person's birth. (*Anon.*, 1 Salk. 44; *Toder v. Sansam*, 1 Brown P.C. 468.) If, therefore, one is born on the 1st of January, he is of age to do any legal act on the morning of the last day of December, though he may not have lived twenty-one years by nearly forty-eight hours. (Tomlin, "Infant," I.) Upon a question of age of a voter, the written memorandum of the clergyman who married his parents was held better evidence than the memory of individuals, unaccompanied by such memorandum. (*Reg. ex rel. Forward v. Bartels*, 7 C.P. 533.)

The oath may be administered by the returning officer or deputy-returning officer, as the case may be, at the request of any candidate or his authorized agent (55 Vict., c. 42, s. 106.) The returning officer should, on request of either of the candidates or his agent (whether such agent be or be not a duly qualified elector), administer the necessary oaths or affirmations. (*Reg. ex rel. Gordanier v. Perry*, 3 L.J. 90; *Reg. v. Spaulding*, Car. & M. 568.)

See as to prosecutions for false oaths, under enactments corresponding to the above: *Reg. v. Dodsworth*, 2 Moo. & R. 72; 8 C. & P. 218, where form of indictment is given. See also *Reg. v. Ellis*, Car. & M. 564; *Reg. v. Thompson*, 2 Moo. & R. 355, as to the evidence.

Vacancy in
office of trustees.

104. In case of any vacancy in the office of trustee of any Public School board arising from any cause, the remaining trustees shall forthwith take steps to hold a new election

in the manner provided by this Act for the annual election of trustees to fill the vacancy so created and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is filled.

Secs. 104,
105.

If the trustee retiring was elected to office under the provisions of section 102, the provisions of that section must be applied in conducting the new election. If, on the contrary, the former election was by ballot, the new election must be conducted according to the provisions of section 103.

105. The Judge of the County Court, in case any complaint respecting the validity or mode of conducting the election of any trustee of a Public School board in any municipality within his county, is made to him within twenty days after such election, shall receive and investigate such complaint, and shall thereupon, within a reasonable time, in a summary manner, hear and determine the same; and may by order cause the assessment rolls, collector's rolls, poll books, and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, and cause such person or persons to appear before him as he may deem expedient, and may confirm the said election or set it aside, or order that some other candidate was duly elected; and the Judge may order the person found by him not to have been elected to be removed; and in case the Judge determines

Judge of County
Court to re-
ceive and
investigate
complaints.

**Secs. 105,
106.** that any other person was duly elected, the Judge may order him to be admitted; and, in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall order a new election to be held, and shall report such decision to the secretary-treasurer of the Public School board.

In the case of *Foster et al. v. Stokes et al.*, 2 O.R. 590, certain persons were elected school trustees; but owing to informalities in the election in not fixing the day for the nominations and election, the appointing of returning officer, etc., as required by the statutes, protests in writing in respect of the election were duly served. At a meeting of the board, however, held subsequently to the election, they were declared duly elected, but did not make the declaration of office, nor take their seats. At a subsequent meeting of the board, the parties so elected acquiesced in the conclusion of the board to hold a new election, and became candidates again, and canvassed as such until the twenty days allowed as above for complaint to be made to the County Judge in respect of their said election had elapsed, proceedings having been dropped in view of the second election. At the second election they were defeated, and then claimed their seats under the first election. It was held that they could not maintain suit to have it declared that they were the duly elected trustees.

First meeting
of board.

106. (1). The members of every board of school trustees in townships, cities, towns and incorporated villages shall hold their first meeting on the third Wednesday in January, or if a board of education, then on the first Wednesday in February, at the hour of seven o'clock in the afternoon, or at such other hour on the same day as may have been fixed by

resolution of the former board, at the usual place of meeting of such board. Sec. 106.

As to what constitutes a board of education, see section 8. The resolution changing the hour of meeting must have been passed at a regular meeting of the board retiring from office. This can be done at any time during their year of office, and only affects the meeting for organization. Subsequent meetings of the board are generally regulated by the by-laws of the respective boards.

(2). At the first meeting in each year of every Public School board, the secretary of the board shall preside at the election of chairman, or, if there be no secretary, the members present shall appoint one of themselves to preside at such election, and the member so appointed to preside may vote as a member. President at first meeting.

Though not specifically mentioned in this section, it is clear, from a comparison with section 33, that the first duty of the board is the election of the chairman.

(3). In case of an equality of votes at the election of chairman, the member who is assessed as a ratepayer for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member. Casting vote.

In order to comply with the provisions of this section, the secretary of the board must obtain from the proper municipal officer the necessary information as to the properties, rated on the last revised assessment roll, of each of the members composing the board. This has been found, in large cities, to be a matter difficult of ascertainment.

Sec. 106.Presiding officer
of board.

(4). In the absence of the chairman any person appointed to act as chairman by the majority of those present shall preside, and the chairman or person so acting may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived.

Quorum of
school boards,
etc.

(5). A majority of the members of the board, when present at any meeting, shall constitute a quorum, and the vote of the majority of such quorum shall be necessary to bind the corporation.

This follows the usual provisions adopted in the case of municipal corporations. (See section 234 of *The Consolidated Municipal Act*, 55 Vict., c 42.)

Assuming the whole number of members of the board to be twelve, there must be seven present to constitute a quorum. (*Reg. ex. rel. Evans v. Starratt*, 7 C.P. 487.) So that an election by six in such a case, though unanimous, would be void. (*Lockwood v. Mechanics' National Bank*, 11 Am. 253.) Acts done with less than a legal quorum are generally void. (*Rex v. Belringer*, 4 T.R. 810; *Rex v. Miller*, 6 T.R. 268; *Reg. ex. rel. Evans v. Starratt*, 7 C.P. 487.) See also *Price v. R.W. Company*, 13 Ind. 58; *Ferguson v. Crittenden*, 1 Eng. (Ark.) 479; *Logansport v. Legg*, 20 Ind. 315; *McCracken v. San Francisco*, 16 Cal. 591; *Pimental v. San Francisco*, 21 Cal. 351. In one case, however, the Court, in the exercise of its discretion, refused to quash a by-law upon proof that a quorum was not present at the time of its passing. (*Sutherland v. East Missouri*, 10 Q.B. 626.) The Court will presume, until the contrary be clearly shown, that there was a quorum present at the doing of a corporate act. (*Citizens' Mutual Fire Ins. Co. v. Sortwell*, 8 Allen (Mass.) 217.)

DUTIES OF TRUSTEES.

Sec. 107.

Duties of board.

107. It shall be the duty of the board of trustees of cities, towns and incorporated villages, and they shall have power—

(1). To appoint a secretary and treasurer or secretary-treasurer, and one or more collectors, if requisite, of such school fees or rate bills as the board may have authority to charge, and such other officers and servants of the board as they may deem expedient.

Appointment of secretary and collector.

See remarks under section 33 as regards secretary-treasurers; and remarks under section 51 as regards collectors.

(2). To fix the times and places of the board meetings, the mode of calling and conducting them, and of keeping a full and correct account of the proceedings of such meetings.

To fix meetings of the board.

This is exclusive of the time fixed for the first meeting, as provided by section 106. Compare section 40 (11), and see remarks thereunder.

(3). To provide adequate accommodation for all the children between the ages of five and sixteen years, resident in the municipality, as ascertained by the census taken by the municipal council for the next preceding year; provided always, such residents are not to include the children of persons on whose behalf a Separate School or schools have been established under the provisions of *The Separate Schools Act*.

To provide adequate accommodation.

See section 40 (3), and remarks thereunder.

Sec. 107.

To provide
school premises,
apparatus,
prize books
and library.

(4). To purchase or rent school sites or premises, and to build, repair, furnish, and keep in order the schoolhouses and appendages, and to keep the well, closets and premises generally in a proper sanitary condition, lands, enclosures, and movable property, and procure registers in the prescribed form, suitable maps, apparatus, and prize books, and, if they deem it expedient, establish and maintain school libraries.

Where one school trustee, by desire of the board of school trustees, bought for the board a piece of property for a school site, and signed the contract with his own name only, and the board subsequently on several occasions by resolution recognized the purchase as their own, and paid three instalments of the purchase money, but the purchase was repudiated by a new board, the person in whose name the purchase was made was held to be entitled to be indemnified by the new board in respect of the remainder of the purchase money. (*Smith v. The School Trustees of Belleville*, 16 Chy. 130.)

Compare sections 40 (2) and 40 (6), and see remarks thereunder.

The scope of the sanitary duties of the trustees seems to be confined simply to the sanitary arrangements in and about the school buildings and premises.

The health of the children is a matter coming within the purview of *The Public Health Act*, and the teacher, under section 131 (11), is bound to notify the local board of health direct when he has reason to believe that any pupil attending the school is suffering from or exposed to any contagious disease. *The Public Health Act*, R.S.O., 1887, c. 205, s. 94, enacts as follows :

"(1) Whenever a case of smallpox, cholera, scarlatina, diphtheria, whooping cough, measles, mumps, glanders, or other contagious disease, exists in any house or household belonging to which are persons attending school, the house-

holder shall, within eighteen hours of the time such disease is known to exist, notify the head teacher of such school or schools, and also the secretary of the local board of health, of the existence of such disease; and no member of such household shall attend school until a certificate has been obtained from the medical health officer, or legally qualified medical practitioner, that infection no longer exists in the house, and that the sick person, house, clothing, and other effects, have been disinfected to his satisfaction; and until such certificate shall have been obtained, it shall be the duty of every member of the household, and of the teacher, to use all reasonable efforts to prevent the association of members of the said household with other children. Sec. 107.

"(2) Whenever the local board of health or any of its officers or members know of the existence in any house of smallpox, cholera, scarlatina, diphtheria, whooping cough, measles, mumps, glanders, or other contagious disease, they shall at once notify the head or other master of the school or schools at which any member of the household is in attendance; and should it not be evident that said member has not been exposed to said diseases, or any of them, the teacher must forthwith prevent such further attendance until the several members present a certificate stating that infection no longer exists, as provided in the preceding sub-section.

"(3) Whenever a teacher in any school has reason to suspect that any pupil has, or that there exists in the home of any pupil, any of the above-mentioned diseases, he shall be required to notify the medical health officer, or, where none such exists, the local board of health, on forms supplied by the school authorities, in order that evidence may be had of the truthfulness of the report; and he shall further be required to prevent the attendance of said pupil or pupils until medical evidence of the falsity of the report has been obtained."

But by virtue of section 16 of The Act respecting Vaccination and Inoculation, R.S.O., 1887, c. 206. "it shall be lawful for the trustees of any public,

Sec. 107. separate, or high school to provide that no children shall be permitted to attend any school without producing a certificate of successful vaccination when demanded of him or her by the teacher."

To determine
number of
schools, etc.

(5). To determine the number, grade and description of schools (such as central, ward, or night schools) to be established and maintained; the teachers to be employed; the terms on which they are to be employed, and the amount of their remuneration; and to provide, as they may deem expedient, for children between four and seven years of age, kindergarten schools.

Kindergarten
schools.

The board is authorized under this clause to "determine the number, grade, and description of schools," etc., namely:—

- (1) A central school for boys, } or both combined ;
- (2) A central school for girls, }
- (3) A primary school in each ward for boys and girls, or infants ;
- (4) Intermediate schools in convenient localities for boys and girls ;
- (5) Kindergarten schools ; and,
- (6) Night schools.

As to night schools, see section 11 of the Departmental Regulations. Also section 3 (3) of *The Education Department Act, 1891*.

The school trustees under this section have unlimited discretion as to the number of schools to be kept up, and are not subjected to the restrictions in this respect imposed upon the school trustees in townships. (*School Trustees of Brockville v. Town Council of Brockville*, 9 Q.B. 302.)

Dismissal of
refractory
pupils.

(6). To dismiss from the school any pupil who shall be adjudged so refractory by a

majority of the trustees and the teacher that his presence in school is deemed injurious to the other pupils, and, where practicable, to remove such pupil to an industrial school. Sec. 107.

See remarks under section 40 (5).

(7). To collect, at their discretion, from the parents or guardians of the pupils attending any Public School under their charge, a sum not exceeding twenty cents per month, per pupil, to defray the cost of text-books, stationery and other school supplies; or, at their discretion, to purchase for the use of pupils attending such schools text-books, stationery and other school supplies at the expense of the corporation. Trustees may collect a fee from parents for books, etc.

The latter part of this section is the authority for the introduction of free text-books, the system now adopted in the City of Toronto.

(8). To appoint of their number, and under such regulations as they think proper, a committee for the special oversight and management of the schools under their charge, and to see that all such schools are conducted according to the regulations of the Education Department. To appoint a committee for each school.

As to proper conduct of schools, see Departmental Regulations, sections 4, 5, and 6. If the trustees fail to perform their duty in this respect, their school will not be entitled to share in the school fund applicable to them.

(9). To constitute at their discretion one Model schools for teachers.

Sec. 107. or more of the Public Schools to be a Model school for the training of teachers.

As to City and County Model Schools, see Departmental Regulations, sections 46 to 51; as to Provincial Model Schools, see Departmental Regulations, section 62.

To lay before
council estimate
for moneys.

(10). To submit to the municipal council, on or before the first day of August, or at such time as may be required by the municipal council, an estimate of the expenses of the schools under their charge for the current year.

See remarks under section 40 (8).

Public school boards should prepare from time to time, and lay before their municipal council, an estimate of the sums which they think necessary for paying the whole or part of the salaries of the teachers; for purchasing or renting school sites or premises; for building, erecting, enlarging, repairing, warming, furnishing, and keeping in order the schoolhouses and their appendages and grounds; for purchasing or building teachers' residences; for procuring suitable apparatus and text-books for the schools; for the establishment and maintenance of free public school libraries; and for all necessary expenses of the schools under their charge.

It would appear from the wording of this Act (see section 110) that where it is intended that the estimates, so sent in for the purposes above mentioned, are to be raised out of the general rate struck for the year, the municipal council has no option but to raise the amount so required; but should the trustees apply to the council for the issue of debentures for the purchase of a school site or sites, the erection of a schoolhouse or houses, or any addition thereto, or for the purchase or erection of a teacher's residence, being a part of their estimates so sent in, the provisions of section 115 (1) as regards boards of rural school trustees, and section 116 (1) and (2) as regards

township boards of trustees, or the trustees of any city, town, or incorporated village, will apply to such part of the estimates. For form of requisition on municipal council, see *Form 15*, Appendix A. Sec. 107.

(11). To submit all accounts, books, and vouchers to be audited by the municipal auditors, and it shall be the duty of such auditors to audit the same. To submit accounts to auditors.

See section 37 (2), and remarks thereunder; also section 59 (2), and remarks thereunder.

Negligence of the auditors in examining and reporting upon accounts will not, under ordinary circumstances, relieve those indebted to the corporation from the payment of their liabilities. (*In re Eldon and Ferguson*, 6 L.J. 207.) "It seems to me to be a monstrous proposition, that an officer of the corporation may wilfully or even negligently omit to enter the receipt of moneys; and because the auditors have not been able to discover the omission, and the corporation approves of the report, that when the omissions are discovered the officer may set up the audit to cover his own fraud or neglect." (*Ib.* 209, *per Richards*, J.) A surety for the due performance of a treasurer's duties is not relieved from liability by the negligence of the auditors in proving the treasurer's accounts. (*Frontenac v. Breden*, 17 Chy. 645.) The fact of the treasurer having become reduced in his circumstances after the auditing and passing of his accounts, and before the discovery of an error in them, is no bar to an action against the surety. (*Ib.*)

(12). To publish at the end of every year, in one or more of the public newspapers, or otherwise, the annual report of the auditors, and to prepare and transmit before the 15th of January, the annual report of the school to the Education Department. To publish auditors' report.
Annual report to Minister.

See sub-sections 12 and 13 of section 40, and remarks thereunder.

**Secs. 107,
108.** Public school boards are required to report annually to the Minister of Education according to a form provided by him (see *Form 41*, Appendix A); and to their constituents through the medium of the public newspapers or otherwise. They are not required to report at the annual meeting of their constituents, but only in the public newspapers, in a pamphlet, or on a printed sheet, as may be deemed most satisfactory and convenient.

**Custody and
disposal of
school property.**

(13). To take possession and have the custody and safe keeping of all Public School property which has been acquired or given for Public School purposes in the section, including movable property, moneys or income given or acquired at any time for Public School purposes, and to hold or apply the same according to the terms on which the same were acquired or received; and to dispose, by sale or otherwise, of any school site or school property not required by them in consequence of a change of school site, or other cause; to convey the same under their corporate seal, and to apply the proceeds thereof to their lawful school purposes, or as directed by this Act.

See *remarks* under section 40 (1).

School sites.

108. Every Public School board in a city, town or incorporated village, shall have power to take and acquire land for a school site or for enlarging school premises already held. In the event of any dispute between the owner of the land selected and the trustees, with regard to the price of such land, sections 67 to 72 of this Act shall apply.

Besides the duties above enumerated, there are certain other duties cast upon the trustees of public schools in cities, towns, and incorporated villages by virtue of certain other enactments of the Legislature of this Province. Sec. 103.

They are required, under *The Free Libraries Act*, to appoint three persons to the board having the management, regulation, and control of the free library of the city, town, or incorporated village over which their board has jurisdiction. (R.S.O., 1887, c. 189, s. 3, s-s. 1.) They cannot, however, appoint one of their own body to be a member of such board of management. (*Ib.*, s-s. 2.) Of the persons so appointed, one shall retire annually, but he may be reappointed. (*Ib.*, s-s. 2.) One member of such board holds office until the 1st February following his appointment; one until the 1st February in the following year; and one until the same day in the year next thereafter. (*Ib.*, s-s. 4.) In case of a vacancy occurring by the death or resignation of a member, or from any cause other than the expiration of the time for which he can hold office as above, the member appointed to fill such vacancy only holds office for the remainder of the term of the member causing the vacancy. (*Ib.*, s-s. 5.) Subject as above, each of the members appointed by the trustees shall hold office for three years from the 1st February of the year in which he was appointed. (*Ib.*, s-s. 6.) The first appointments are made at the first meeting of the public school board after the final passing of the by-law establishing the free library; and the annual appointments thereafter to be made are to be made at the first meeting of the school board after the 1st January in every year (*Ib.*, s-s. 7.) Appointments to fill a vacancy are to be made at the first meeting of the board after such vacancy occurs. (*Ib.*) If the appointments are not made at the dates fixed for making the same, they are to be made as soon as may be thereafter. (*Ib.*)

Under *The High Schools Act*, 1891, the trustees are also required to appoint annually one trustee to the board of the high school situated in the city, town, or incorporated village over which their jurisdiction extends; but this

Duties of
trustees under
The Free
Libraries Act.

Duties of
trustees under
The High
Schools Act.

Sec. 108. provision does not apply to boards of education. The trustee so appointed holds office for one year. (54 Vict., c. 57, s. 11, s-s. 6.)

Duties of
trustees under
The Industrial
Schools Act.

Under *The Industrial Schools Act*, the public school board of trustees for any city or town have power to establish an industrial school, and provide the necessary building or buildings, either by purchase, lease, or otherwise, and provide the other requisites for such schools. They must cause notice thereof to be made or given to the city inspector of public schools, who must make an examination of the school buildings so provided, and of their fitness for the reception of children, and inquire as to the other requisites provided, and into the means adopted for carrying on the school, and report thereon to the Minister of Education. If the Minister of Education is satisfied with the inspector's report, he may certify in writing that the school is a fit and proper one for the reception of children to be sent there, and such school shall then be deemed a certified industrial school. (R.S.O., 1887, c. 234, s. 3.) The board of school trustees may, however, delegate the powers, rights, and privileges conferred upon them by the above Act respecting the establishment, control, and management of an industrial school to any philanthropic society or societies incorporated under *The Act respecting Benevolent, Provident, and other Societies*, R.S.O., 1887, c. 172, or under any other Act in force in the Province of Ontario; but the chairman and secretary of the board of public school trustees in the city or town in which the industrial school is situated, or under whose control it is placed, and the public school inspector of such city or town, are to be members of the board of management of the society when acting under powers delegated by the board of public school trustees. (*Ib.*, s. 5, s-s. 1.) The trustees of the public school board must also provide the teachers necessary for the industrial school, and shall, when practicable, choose the general superintendent of the school from the teachers appointed by them. (*Ib.*, s. 6.) The school trustees may also admit to the industrial schools established by them all children apparently under the age of fourteen years who are com-

mitted to the school by a Judge or magistrate; and they have power to place such children at such employments and cause them to be instructed in such branches of useful knowledge as are suitable to their years and capacities. (*Ib.*, s. 10.) The trustees may also allow a child sent to their industrial school to live at the dwelling of any trustworthy and respectable person, but in every instance in which this is done a report thereof must be at once made to the Minister of Education, to his satisfaction. (*Ib.*, s. 13.) This permission to reside out of school may be revoked at any time by the trustees, and the child to whom the permission relates must return to the school. (*Ib.*, s. 14.) The school trustees may also, at any time during the period of detention of a child in an industrial school, exercise all the powers conferred by sections 2 and 6 of *The Act respecting Apprentices and Minors*, R.S.O., 1887, chapter 142, upon the charitable societies therein mentioned. (*Ib.*, s. 20.) Section 2 above mentioned declares that "any parent, guardian, or any other person having the care or charge of a minor, or any charitable society authorized by the Lieutenant-Governor to exercise the powers conferred by this Act, and having the care or charge of a minor, may, with the minor's consent, if the minor is a male not under the age fourteen years, or is a female not under the age of twelve years, and without such consent if he or she is under such age, constitute, by indenture, to be the guardian of the child, any respectable, trustworthy person who is willing to assume, and by indenture or other instrument, in writing, does assume, the duty of a parent towards the child, but the parent shall remain liable for the performance of any duty imposed by law in case the guardian fails in the performance thereof." And said section 6 declares that "a parent, guardian, or any charitable society being authorized by the Lieutenant-Governor in Council to exercise the powers conferred by this Act, and having the care or charge of a minor, the minor being a male and not under the age of fourteen years, may, with the consent of the minor, put and bind him as an apprentice by indenture to any respectable and trustworthy

Sec. 108. master mechanic, farmer, or other person carrying on a trade or calling, for a term not to exceed beyond the minority of the apprentice; or, in case of a female not under the age of twelve years, may, with her consent, bind the minor to any respectable and trustworthy person carrying on any trade or calling, or to domestic service with any respectable and trustworthy person, for any term not to extend beyond the age of eighteen years." The school trustees may also, from time to time, make rules for the management and discipline of the industrial school, which rules must be consistent with the provisions of *The Industrial Schools Act*, and must be approved by the Education Department, and, when approved, must only be altered with the approval of the Department. (*Ib.*, s. 21.) The school trustees, or their agent, also have power at any time during the detention of a child at their industrial school to issue a summons (for form of which, see *Form 42*, Appendix A) against the parent, step-parent, or guardian of the child in the Division Court of the division in which such parent, step-parent, or guardian resides, which is to be served according to the practice of the Division Court, and may examine the parent as to his ability to maintain the child before the Judge of such Division Court, who may, if he thinks fit, make an order on such parent, step-parent, or guardian for the payment of a weekly sum, not exceeding \$1.50 per week, to the school trustees, during the whole or any part of the period of the child's detention in the school. (*Ib.*, s. 22.) This order has the same effect as a judgment in the Division Court. (*Ib.*) The order may be varied from time to time by the Judge, as circumstances require, on the application of either the school trustees or the person on whom the order is made, fourteen days' notice of the application being first given to the other party. (*Ib.*, s. 23.) And when a child has been sent by a Judge or magistrate to an industrial school, who has not resided in the city or town in which such school is situated, or to which it is attached, for a period of one year, but has resided in some other county, city, or separated town, the

school trustees may recover from the corporation of such county, city, or separated town, the expense of maintaining the child. (*Ib.*, s. 25, s-s. 1.) If the child has resided for one year in the city in which the school is situated, or to which it is attached, but has since such residence resided in some other municipality for one year, the school trustees may recover the expense of maintenance for one year from the corporation of the county, city, or separated town in which the child last resided. (*Ib.*, s. 25, s-s. 2.) And when the child has resided for one year, previous to its admission to the school, in the city or town in which such school is situated, or to which it is attached, such city or town must pay at least \$2.00 per week towards the cost of maintaining such child, if its maintenance is not otherwise provided for; and such city or town can recover from the child's parents, if able to pay it, the amount so paid by them. (*Ib.*, s. 25, s-s. 3; 51 Vict., c. 39, s. 1.) The trustees, on receiving satisfactory evidence that the parents of any child in the school are in every respect fit and proper persons to have the custody, control, and training of such child, can discharge said child to the parents. (R.S.O., 1887, c. 234, s. 29.) They can also do so where, the child's parents being dead, some person comes forward and offers to make suitable provision for the care, nurture, and education of such child, giving satisfactory security for the performance of the obligations such person takes upon himself. (*Ib.*)

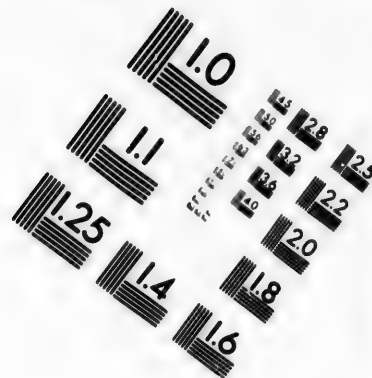
Sec. 103.

The duties of school trustees under *The Act respecting Vaccination and Inoculation*, R.S.O., 1887, chapter 206, have already been referred to under sub-section 4 of section 107 of the principal Act; *ante* p. 147.

Duties of trustees under The Vaccination Act.

And public school trustees may also borrow money from municipal corporations for school purposes under *The Consolidated Municipal Act*, 55 Vict., c. 42, section 379 of which provides that "any municipal corporation having surplus moneys set apart for educational purposes may, by by-law, invest the same in a loan or loans to any board of school trustees within the limits of the municipality for such term or terms, and at such rate or rates of

Powers of trustees under The Consolidated Municipal Act.

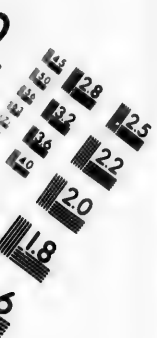


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Secs. 108, interest, as may be agreed upon by and between the parties
109. to such loan or loans respectively, and may be set forth in such by-law; or may, by by-law, grant any portion of such moneys, or other general funds, by way of gift to aid poor school sections within the municipality." It will be noticed that the first part of the section only applies to municipal corporations "having surplus moneys set apart for educational purposes"; while the latter part contains no such restrictions. The grant may be out of the moneys mentioned in the first part of the section, or out of "other general funds."

SCHOOL ASSESSMENT.

Township
council to levy
sums required
for school
purposes.

109. (1). Every municipal council of every township shall levy and collect by assessment, upon the taxable property of the Public School supporters of the whole township, in the manner provided by this Act, and by the municipal and assessment Acts, the sum of \$100 at least for every Public School therein in which a Public School has been kept open the whole year exclusive of vacations. Where the Public School has been kept open for six months or over, a proportionate amount of the said sum of \$100 at least shall be levied and collected by assessment upon the taxable property of the whole township. An additional sum of \$50 at least shall be levied and collected in a similar manner for every assistant teacher engaged for the whole year, and a proportionate amount if such assistant teacher is engaged for six months or over.

In townships, cities, towns, and incorporated villages, the assessment is made by the regular municipal assessors;

in cities, towns, and incorporated villages, for an amount sufficient to cover the estimates sent in by the school boards of the same respectively (s. 107, s-s. 10); in townships, in the manner provided by the above section. In unorganized townships a duly qualified person is appointed by the trustees of all the sections in such township to make out the assessment roll for the township (s. 45). An appeal lies against the certified assessment roll to the Stipendiary Magistrate or Judge of the district or county (s. 49). In the other cases the assessors are the municipal assessors, and the procedure, in case of appeal, is regulated by *The Consolidated Assessment Act*.

The above section regulates the minimum sum which is to be raised by assessment in every township. The municipality may be required by the trustees to raise further sums. (See sub-section 3 of this section.)

(2). In the case of union school sections the municipal council of each municipality of which the union school section is composed shall levy and collect upon the taxable property of the respective municipalities the said sum in the proportion fixed by the equalization provided under section 95 of this Act.

(3). The municipal council of the township shall collect from the taxable property in each section such other sums as may be required by the trustees thereof for school purposes.

See remarks and cases under section 40 (8) and section 107 (10). See also, as to equalization of school assessments, sections 95 and 96; and as to the provisions in regard to land situated in two or more school sections, section 12 (2).

The meaning of this section is explained by section 2 of 55 Victoria, chapter 60, as follows: "To remove doubts, section 109 of *The Public Schools Act, 1891*, shall be construed to mean that union school sections composed of

Secs. 109, 110, 111. part of a township, and any incorporated village or town, shall not be included within the provisions of said section 109."

City, town or village council to levy sums required for school purposes.

110. The municipal council of every city, town and incorporated village shall levy and collect upon the taxable property of the municipality, in the manner provided in this Act, and in the municipal and assessment Acts, such sums as may be required by the Public School trustees for school purposes, subject to sections 116 and 117 of this Act.

Section 116 provides (1) for the submission of the question to the vote of the electors where the municipal council refuses to raise or borrow the sum required ; or (2) that the council may pass a by-law for the purpose of raising or borrowing money on the requisition of the public school board for any of the purposes named in section 115 ; and section 117 provides for the form and term of the debenture.

Under the Acts relating to public schools, trustees may at any time require their municipal council to impose and levy a rate for school purposes ; they are not bound to wait until a copy of the revised assessment roll for the particular year has been transmitted to the clerk of the municipality, but may and can use the existing revised assessment roll. (*Chief Superintendent of Education, In re Hogg v. Rogers*, 15 C.P. 417.)

For form of requisition on municipal council for school moneys, see *Form 15*, Appendix A.

Clerk to give copy of assessment to inspector.

111. (1). The clerk of every municipality shall upon request, furnish the Public School inspector with a statement of the assessed value of each school section as shown by the revised assessment roll for that year. Such

clerk shall be entitled to reasonable payment from the council for the above mentioned services.

Secs. 111
112.

The trustees are also entitled to see the original assessment roll, and, where the clerk of the township refuses to produce it for their inspection, he can be compelled to do so by mandamus. (*In re Trustees of Union School Sections Nos. 11 Otonabee, 10 Douro, and 11 Asphodel v. Casement*, 17 Q.B. 275.)

(2). The clerk of every municipality shall, at the request of any board of trustees, furnish the board with a statement showing the several parcels or lots of land composing the school section for which they are trustees, the assessment of such parcel or lot and the amount of taxes entered on the collector's roll against each parcel of such lands. The cost of preparing such statement shall be paid by the board of trustees applying for the same.

Statement to
be furnished to
board by clerk.

If the township clerk neglects to perform the duties prescribed in the foregoing section for a period of one month, he is liable to a penalty of \$10.00 (s. 186).

112. The council of every municipality may, in addition to any demand made by requisition of the public school trustees, raise by assessment such other sums as it may deem expedient for the establishment and maintenance of a Public School library, or for aiding new or weak schools within such municipality, or for the support of Model schools, or for supplementing teachers' salaries.

Establishment
of libraries.

It does not seem necessary under this section for the

Secs. 112, 113, 114. trustees to requisition the council to raise sums for the above purposes ; but the council have the power to raise such sums over and above the amount of the estimates furnished by the trustees.

Return showing rating of separate school supporters.

113. The clerk of every municipality in which any Separate School section or part of a section is situate, shall, not later than the first day of December in each year, make out and transmit to the county school inspector a list of the supporters of Separate Schools against whom any county rate for Public School purposes has been erroneously placed upon the collector's roll showing the amount so rated against each and the total amount so rated. The county inspector shall, before issuing his order for the payment of the county grant to the Public School sections, deduct therefrom the amount so certified to him by the clerk of such municipality, and shall give the trustees of the Separate School section an order on the township treasurer for the amount thereof, and it shall be the duty of such treasurer to pay over the same.

Separate school amounts to be deducted.

As to the payment of the county grant, see sections 122 and 123, and remarks thereunder.

If the township clerk makes default in the performance of above duty for one month, a penalty not exceeding \$10.00 may be inflicted upon him (s. 186).

Clerk to transmit minutes of council, etc., to Minister.

114. It shall be the duty of every county clerk to furnish the Minister of Education with a copy of the minutes of the council relating to school assessments and other

educational matters and to transmit to the Minister, on or before the first day of March in each year, a certified copy in the form provided, of the abstract of the report of the auditors for the preceding year.

Secs. 114.
115.

SCHOOL DEBENTURES.

115. (1). On the application of any board of rural school trustees for the issue of debentures for the purchase of a school site or sites, for the erection of a schoolhouse or schoolhouses, or any addition thereto, or for the purchase or erection of a teacher's residence, the municipal council of the township shall pass a by-law for the said purpose, and shall forthwith issue a debenture or debentures to be repayable out of the taxable property of the school section concerned, and subject to the limitations contained in this Act, provided always the proposal for such loan has been submitted by the trustees to and sanctioned at a special meeting of the ratepayers of the section, called for the purpose.

Township
school debentures.

Proviso.

The Consolidated Municipal Act, 55 Vict., c. 42, s. 340 (3), provides that any by-law passed for contracting debts by borrowing money or otherwise, and for levying rates for the payment of such debts, "shall settle a specific sum, to be raised annually, for the payment of interest during the currency of the debentures; also a specific sum for the payment of the debt; such sum to be such as will be sufficient, with the estimated interest on the investments thereof, to discharge the debt when payable."

The by-law is to settle a specific sum to be raised annually; it is not to leave it to a municipal officer to be

Sec. 115. computed. (*Canada Co. v. Middlesex*, 10 Q.B. 93.) This section of the Municipal Act is applicable to by-laws granting to trustees of school sections authority to issue debentures for the erection of a schoolhouse. (*In re McIntyre and Elderslie*, 27 C.P. 58.) It is provided by section 342 of *The Consolidated Municipal Act* that the council may, in its discretion, make the principal of the debt payable by annual instalments. It has been held that municipal corporations cannot raise money at a rate of interest exceeding six per cent. (*Wilson and the Municipal Council of Elgin*, 13 Q.B. 218.) But see now *North Gwillimbury v. Moore*, 15 C.P. 445; *In re Nichol and Alnwick*, 41 Q.B. 577; *Scottish American Investment Co. v. Elora*, 6 A.R. 628. The sinking fund for the payment of debentures is a debt, and a corporation can be compelled by mandamus to levy the rate. (*Clarke v. Palmerston*, 6 O.R. 616.)

It does not appear to be necessary that the by-law should set forth the estimates on which it is founded. The Court will intend that proper estimates have been made, in the absence of evidence that they are wanting. If the rate is demonstrated to be insufficient, the by-law may be quashed. The corporation has no power by resolution to appropriate money from the investment of the sinking fund to any other purpose. (*Re Barber and Ottawa*, 39 Q.B. 406.) As to what is a sufficient submission by the trustees to the ratepayers, see *In re McCormick and the Township of Colchester South*, 46 Q.B. 65.

By-laws substituting a different system for the support of public schools from that laid down by the School Acts are bad, as are also by-laws carrying out such a system. (*In re Dunlop and the Corporation of the Township of Douro*, 18 Q.B. 227.)

The school meeting has the right to object to a loan by the trustees, or to a levy of a rate by the township council, for the purposes mentioned in above section. In other words, it has full power to discuss with the trustees and decide with them upon the expediency of the proposed outlay, its amount, or any particular item in the estimate.

The final result of the discussion at the meeting should be embodied in formal resolutions for the guidance of the trustees, and on which they can, if the outlay be approved, base their estimate and requisition to the township council.

Sec. 115.

(2). All applications for a loan, for the purposes herein mentioned, shall be made by the trustees of a union school section to the council of the municipality within which the schoolhouse or site of such union section is situated, and all debentures for the payment of such loan shall be issued by such municipality. Any other municipality or municipalities forming part of the union school section shall pay, on the requisition of the clerk of the municipality, by which the debentures were issued, as they come due, its or their share of the loan, including interest, so made according to its or their liability for school purposes, as determined by section 95 of this Act.

Applications for loans to be made to and debentures issued by council.

(3). Where application is made by a union section composed of a town or incorporated village and part of the adjoining township or townships and the schoolhouse is situated in such town or village, all applications for the issue of debentures for school purposes shall in such cases be subject to the provisions of sections 116 and 117 of this Act.

(4). Notwithstanding any alteration which may be made in the boundaries of any school section, the taxable property situated in the

Liability for loan.

Sec. 115. school section at the time when such loan was effected, shall continue to be liable for the rate which may be levied by the township council for the repayment of the loan.

Expenses of
publishing
by-laws.

(5). The expenses of preparing and publishing any by-law or debentures under the said section 115 and all other expenses incident thereto, shall be paid by the school section on whose behalf such debentures were issued, and the amount of such expenses may be deducted from any school rates collected by the municipal council for such school section, anything in *The Public Schools Act* to the contrary notwithstanding.

This sub-section has been added by 55 Vict., c. 60, s. 3.

By section 118 of this Act all sums levied under section 115 are to be paid over to the secretary-treasurer of the trustees on or before the 15th December in each year, without any deduction whatever ; but that section is now overridden to the extent indicated by above sub-section.

Submission of
question to vote
of electors.

116. (1). Where application is made by a township board of trustees, or by the trustees of any city, town or incorporated village for any of the purposes mentioned in the preceding section, and where the municipal council refuse to raise or borrow the sum required, then the question shall be submitted by the municipal council, if requested by the board of trustees, to the vote of the electors of the municipality who are supporters of Public Schools, in the manner provided by *The Municipal Act* for the

creating of debts, and in the event of the assent of such electors being thereby obtained, then it shall be the duty of such council to raise or borrow such sum.

Secs. 116,
117.

Under *The Consolidated Municipal Act*, the voters under a by-law are not in all cases the same as ordinary electors. By-laws creating debts, not payable in the same municipal year, usually provide for the payment of the debt in a term of years mentioned in the by-law. Leaseholders whose leases are for a less term than the term mentioned in the by-law, or in which the lessee is not bound to pay municipal taxes, have no right to vote. (*Erwin v. Townsend*, 21 C.P. 330.) But under the foregoing section, every elector of the municipality who is rated as a supporter of public schools is entitled to vote.

See sections 340, *et seq.*, of *The Consolidated Municipal Act* respecting by-laws creating debts.

By-laws creating debts are required to be registered within two weeks after the final passing thereof in the proper county or other registry office. (55 Vict., c. 42, s. 351.)

For form of by-law to raise money under this section, see *Form 43*, Appendix A.

(2). The municipal council may, if deemed expedient, without submitting the same to a vote of the ratepayers of such municipality, as required by *The Municipal Act*, for the creating of debts, pass a by-law for the purpose of raising or borrowing money, on the requisition of the Public School board, for any of the purposes named in the preceding section.

117. Any debenture issued by any municipality for school purposes may be in the form

Form and term
of debenture.

Secs. 117, 118. given by this Act, and for such term of years and for such amount as the council shall see fit, not exceeding thirty years, or the municipal council may in its discretion make the principal and interest of such debt repayable by annual or other instalments, in the manner provided in *The Municipal Act*.

Rev. Stat., c. 184.

See sections 340 and sub-sections thereof, and 342 and sub-sections thereof, of *The Consolidated Municipal Act 1892*.

For form of debenture, see *Form 44*, Appendix A.

School moneys
—when to be
paid over.

118. All sums levied and collected by the municipal council of any township for school purposes shall be paid over to the secretary-treasurer of the board of trustees, without any deduction whatever, on or before the 15th day of December in each year.

See sub-section 5 of section 115, which provides for the deduction from above sums of the expenses of publishing by-laws, and which to that extent overrides this section.

Where the municipal council collect and receive from the school rate necessarily imposed by them to procure the amount demanded by the school trustees a small surplus over and above such amount, the school trustees are entitled to such surplus, which may be said to be the necessary increment or addition produced by a rate in good faith imposed and levied by the township to raise the sum demanded. (*Public School Trustees of Section 9, Nottawasaga v. The Corporation of the Township of Nottawasaga*, 15 A.R. 310.)

If the rate is substantially excessive, it, or the by-law imposing it, may be quashed or set aside; but it is not objectionable merely because it will produce, if levied and collected from all the parties assessed, a sum slightly in

excess of that required. (*In re Hawkins v. The Municipal Councils of Huron, Perth, and Bruce*, 2 C.P., at p. 89; *In re De La Haye and the Municipality of the Gore of Toronto*, 3 C.P. 23.) The surplus incidentally arising from the collection of a school rate cannot be appropriated to the general purposes of the township. (*Public School Trustees v. Nottawasaga*, *supra*.)

Secs. 118,
119, 120, 121.

119. When, in the opinion of any rural school corporation it is not desirable to apply to the municipal council for the issue of debentures for any of the purposes mentioned in this Act, such trustees may, without a vote of the ratepayers of the section, require the municipal council to raise, by one yearly rate, such sums as may be necessary for the purchase of a school site, the erection, or purchase of a schoolhouse or teacher's residence.

Application to
council for
school moneys.

120. No township council shall levy or collect in any school section during any one year more than one school rate except for the purchase of a school site, or for the erection of a schoolhouse.

Council not to
levy more than
one rate, except
in certain cases.

Discretion is given by this section to the township council in regard to the time at which the debentures necessary for these purposes shall be issued.

121. Any rural school corporation may, with the consent of the ratepayers of their school section first had and obtained at a special meeting duly called for that purpose, by resolution authorize the borrowing from any municipal corporation of any surplus moneys derived from the Ontario municipali-

School corpora-
tions may bor-
row surplus
moneys.

**Secs. 121,
122.** ties fund, or from any other source, for such term and at such rate of interest as may be set forth in such resolution, for the purpose of purchasing a school site or school sites, or erecting a schoolhouse or schoolhouses; and any sum or sums so borrowed shall be applied to that purpose, and to that only.

"The Ontario Municipalities Fund" is a fund formed from moneys arising from the Clergy Reserves in Ontario. (R.S.O., 1887, c. 30, s. 1.) The moneys forming this fund are paid into the hands of the Provincial Treasurer, to be by him applied for certain purposes. (*Id.*, s. 2.) The amount of the fund remaining unexpended and unappropriated on the 31st December in each year shall be added to the amount voted by the legislature for the support of public and separate schools for the succeeding year, and shall by the Minister of Education be included in the distribution of the legislative grant to the several municipalities, as provided by this Act. (*Id.*, s. 3.)

LEGISLATIVE AND COUNTY GRANT.

Apportionment
of grant.

122. (1). All sums of money voted by the Legislative Assembly for the support of Public and Separate Schools shall be apportioned annually on or before the first day of May by the Minister of Education to the several counties, townships, cities, towns, and incorporated villages according to the population in each as compared with the whole population of Ontario, as shown by the last annual returns received from the clerks of the respective counties, cities and towns separated from a county, of which apportionment due notice

shall be given to the clerks of the municipalities concerned. Secs. 122,
123.

For form of notice of apportionment, see *Form 45*, Appendix A.

(2). The money so apportioned shall be payable by the Provincial Treasurer on or before the first day of July in every year to the treasurer of every county, city, town and village in such way as the Lieutenant-Governor may from time to time direct. Grant payable on the first of July in each year.

(3). The county council shall cause to be levied yearly upon the several townships of the county, such sums of money for Public School purposes as shall be at least equal (clear of all charges of collection) to the amount of school money apportioned by the Minister of Education to the several townships of the said county for the year, such sums to be payable to the township treasurer on or before the fourteenth day of December in each year. To raise equivalent to Legislative school grant.

123. (1). The county inspector shall, half-yearly, unless otherwise directed by the Minister of Education, distribute among the school sections and divisions of each township under his jurisdiction their respective portions of the Public School grant voted by the Legislative Assembly or raised by county rate according to the average attendance of pupils at each Public School as compared with the whole average number of pupils attending the Distribution into sections and divisions.

Sec. 123. Public Schools of every such township, and all such sums shall be payable by the township treasurer to the order of the secretary or secretary-treasurer of the board of trustees on the inspector's order. Notice of the amount payable to each school section shall be given by the inspector to the secretary or secretary-treasurer of the section.

Although the county inspector is required to distribute among the school sections and divisions of each township under his jurisdiction their respective portions of the public school grant voted by the Legislative Assembly or raised by the county rate as above provided, yet he should not give an order to pay any portion of the fund to the trustees of any rural school section should they have neglected to transmit to the county inspector their half-yearly returns on 30th June and 31st December (s. 206). Nor shall the inspector pay any portion of the legislative or municipal grant to any school in which the use of unauthorized text-books has been permitted by the teacher (s. 174); nor where the school has been open for less than six months in the year (s. 155, s-s. 4a); nor where the trustees fail to comply with the School Act, or the regulations of the Education Department (s. 155, s-s. 4c).

It is the duty of the township treasurer to pay the order as above; and if, having the money in his hands, he refuses so to do, a mandamus will lie. (*Welsh v. Leahy*, 18 C.P. 48.) The order must be strictly drawn in accordance with the statute; otherwise it cannot be enforced. (*Ib.*)

For form of inspector's warrant for the payment of the school grant, see *Form 46*, Appendix A.

(2). The county inspector shall apportion any sum voted by the Legislative Assembly for improving the fifth form of Public Schools as may be directed by the regulations of the Education Department.

TREASURERS OF SCHOOL MONEYS.

Secs. 124,
125.

124. (1). For all school purposes in townships the township treasurers shall be considered sub-treasurers of the county treasurer: provided always that the county council may by by-law constitute the county treasurer, the sub-treasurer for such municipalities within the county as may be deemed expedient.

County treasurer to pay school assessment to township treasurer.

(2). Every sub-treasurer shall be subject to the same responsibilities and obligations in respect to the accounting for school moneys, and the payment of lawful orders for such moneys given by any county inspector as are imposed by this Act upon every county treasurer, in respect to the paying and accounting for school moneys.

Sub-treasurer's duties, etc.

125. The treasurer and his sureties shall be responsible and accountable for school moneys to the county, city or town, and any bond or security given by them for the duly accounting for and paying over moneys coming into his hands, belonging to the county, city or town, shall be taken to apply to all Public School moneys, and may be enforced against the treasurer or his sureties, in case of default on his part.

Treasurer and sureties responsible to municipality.

No power is conferred by *The Consolidated Municipal Act* upon treasurers authorizing them to accept orders for the payment of school teachers' salaries, nor can a treasurer bind a corporation by his acceptance of such orders. (*Munson v. Collingwood*, 9 C.P. 497; *Smith v. Collingwood*, 19 Q.B. 259.)

Secs. 125,
126.

Accounting for moneys includes payment over. (*Malling v. Chalkin*, 3 M. & S. 502.)

It is the duty of the treasurer to receive and keep safely moneys belonging to the corporation, and to pay out the same in such a manner as is appointed either by statute, or by-law, or resolution of his municipality. (55 Vict., c. 42, s. 250.) The treasurer should not pay money on an illegal order or resolution, for an Act of Parliament should be regarded by him as a higher authority than the by-law or resolution of a corporation (*Daniels v. Burford*, 10 Q.B. 480); and if a treasurer so pay money on an illegal order or resolution, he would be probably subject to criminal prosecution. (*East Nissouri v. Horseman*, 16 Q.B. 580.)

And under section 250 of *The Consolidated Municipal Act*, a treasurer is not liable to an action for any moneys paid by him in accordance with any by-law or resolution passed by the council of the municipality of which he is treasurer, unless where another disposition is expressly made of such moneys by statute. (55 Vict., c. 42, s. 250.) The by-law or resolution referred to here, whether legal or illegal, if requiring him to pay the money, is a protection to him.

In an action by the corporation of a county against their treasurer on his bond, where it was proved that government money, charged by him as paid over to the government, was not so paid, it was held unnecessary to show a demand of the government upon him for the money in order to entitle the corporation to recover. (*Essex v. Park*, 11 C.P. 473.) And where certain moneys are paid to the treasurer of a municipality through his agents, for the purposes of a certain school, and he admits the receipt of the same for that special purpose, and his agents become insolvent before paying over the money, an action for this money will lie against the treasurer. (*The Joint Board of Grammar and Common School Trustees of the Village of Caledonia v. Farrell*, 27 Q.B. 321.)

Bonds to apply
to school
moneys, etc.

126. The bond of the treasurer and his sureties shall apply to school moneys, and all public moneys of the Province, and, in case

of any default, Her Majesty may enforce the responsibility of the county, city or town, either by stopping a like amount out of any public moneys payable to the county, city, or town, or to the treasurer thereof, or by action against the corporation.

Secs. 126,
127.

Where a bond, instead of using the words in the statute, limited the responsibility to moneys coming into the treasurer's hands, applicable to the general uses of the municipality, it was held that Clergy Reserve moneys and money derived from the distribution of the Provincial surplus which had by by-law been specifically appropriated to educational purposes, were not within the condition of the bond, and that the operation of the bond was not extended by R.S.O., 1877, c. 204, s. 221, which is identical with above section. (*Oakland v. Proper*, 1 O.R. 330.)

If the condition of the bond of a public officer substantially comply with the requirements of the statute, Courts will endeavor to sustain the bond as against technical defences. (*Baby v. Baby*, 8 Q.B. 76.) It is no objection to the bond that it was executed before appointment to office was made. (*Essex v. Strong*, 21 Q.B. 149.) The invalidity of the appointment cannot be set up as a defence to an action on a bond where moneys have been collected. (*Hoboken v. Harrison*, 1 Vroom. (N.J.) 73; *Seiple v. Elizabeth*, 3 Dutch. (N.J.) 407); nor can irregularities in the mode of appointment. (*Whitby v. Harrison*, 18 Q.B. 603; *Whitby v. Flint*, 9 C.P. 449; *Todd v. Perry*, 20 Q.B. 649.)

See also *Keith v. Fenelon Falls Union School Section et al.*, 3 O.R. 194, cited under section 33 (2).

127. Any person aggrieved by the default of the municipal treasurer may recover from the corporation of any city, county or town, the amount due or payable to such person as money had and received to his use.

City, etc.,
responsible for
default of
treasurer, etc.

**Secs. 128,
129, 130.**

School collector
to be subject
same obligations
as other
collectors.

128. Any collector appointed by a board of trustees for the collection of school fees, or any treasurer or secretary-treasurer having the custody of school moneys shall discharge similar duties and be subject to similar obligations and penalties and have similar powers as the like officers in the municipality.

The collector and treasurer or secretary-treasurer should make a declaration of office (*Form 22*, Appendix A) similar to that required to be made by collectors, treasurers, and other officers of municipal corporations under section 271 of *The Consolidated Municipal Act*; but it seems that the effect of the collector or treasurer not making and subscribing such declaration is not to make his acts void. (*Lewis v. Brady*, 17 O.R. 377.)

Clerks to make
returns of
population.

129. The clerk of every county shall make a return to the Minister of Education showing the population of each minor municipality within the county, and the clerk of every city and of every town separated from a county shall make a return showing the population of such city or town, as shown by their respective assessment rolls for the previous year, said returns to be made on or before the first day of April in each year.

Trustees acting
under by-laws
not liable.

130. (1). Trustees shall not be liable to any prosecution, or the payment of any damages, for acting under any by-law of a municipal council before it has been quashed.

(2). In case a by-law, order or resolution of a municipal council is illegal, in whole or in part, and in case anything has been done

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under it, which by reason of the illegality gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing of the intention to bring such action has been given to the corporation.

It is absolutely necessary that the by-law should be either quashed or repealed, *and* a month's notice of intention to bring action be given before such action can be brought. (*Carmichael v. Slater et al.*, 9 C.P. 423; *Smith v. The Corporation of the City of Toronto*, 11 C.P. 200.) The above enactment applies only to suits for damages, not to replevin. (*Wilson v. Corporation of the County of Middlesex*, 18 Q.B. 348.)

(3). Every such action shall be brought against the municipal corporation alone, and not against any person acting under the by-law, order or resolution.

The action must be brought against the municipal corporation alone, and not against the individuals acting under the by-law. (*Carmichael v. Slater*, 9 C.P. 423.)

DUTIES OF TEACHERS.

See remarks as to teachers under section 2 (1). By the Departmental Regulations, it is provided that where, in a public school, more than one teacher is employed, the head teacher shall be called the Principal, and the other teachers, Assistants. (D.R., s. 6, s-s 1.) It is the duty of the principal to prescribe, with the concurrence of the board of trustees, the duties of the assistants, and he is responsible for the organization and discipline of the whole school. He should consult the inspector, when deemed necessary, with regard to a time table, the course of study, or any

Secs. 130, 131. other matter affecting the organization of the school. (D.R., s. 6, s-s. 2.)

**Duties of
public school
teacher.**

131. It shall be the duty of every teacher of a Public School:—

In addition to the duties of a school teacher set out in the following sub-sections, certain additional preliminary duties are prescribed by the rules of the Education Department. The teacher should see that the schoolhouse is ready for the reception of pupils at least fifteen minutes before the time prescribed for opening the school in the morning, and five minutes before the time for opening in the afternoon (D.R., s. 7, s-s. 1); he should classify his pupils strictly according to the programme of studies prescribed by the Education Department, and should make no departure from such classification without the consent of the board of trustees and the inspector (*Ib.*, s-s. 2); he should prepare a time table to be posted in some conspicuous part of the room for the guidance of himself and his pupils (*Ib.*, s-s. 3); and he should prevent the use by pupils of unauthorized text-books (*Ib.*, s-s. 4); otherwise his school will not receive any portion of the legislative grant (s. 174).

To teach according to law.

(1). To teach diligently and faithfully all the subjects required to be taught in the school, according to the terms of his engagement with the trustees, and according to the provisions of this Act and the regulations of the Education Department.

The subjects required to be taught in the public schools are prescribed from time to time by the Education Department. For those in use at the present time, see D.R., s. 8. The teacher should conduct every exercise and recitation from the text-books prescribed for public schools (see Appendix) in the English language. All communications between teacher and pupil in regard to matters of discipline

and in the management of the school shall be in English, except as this may be impracticable by reason of the pupil not understanding English. Recitations in French or German may be conducted in the language of the text-book. (D.R., s. 7, s-s. 13.)

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Teachers are also required by the Education Department to make suitable comments upon the Act respecting the use of Tobacco by Minors, 55 Vict., c. 52, two or three times each school term, so that it may be brought more prominently to the notice of both scholars and parents, and thus become more effective in accomplishing the good aimed at. It is the duty of inspectors and principals to give instructions to this effect to the teachers.

See Appendix for the text of the Act.

It is the duty of the trustees to see that the prescribed programme is carried out (s. 40, s-s. 4 ; s. 107, s-s. 8).

The regulations in regard to teachers should be embodied in the by-laws of the school board, and, under the agreement with the teachers, should be made part and parcel thereof, so as to bring it within the provisions of this section, both for the legal protection of the board and the teachers.

(2). To keep in the prescribed form the general, daily, class, or other registers of the school, and to record therein the attendance, promotion or removal of the pupils of the school.

To keep the register of the school.

The teacher should make at the end of each school term, or at such other time as may be approved by the inspector, and subject to revision by him, such promotions from one class to another as he may deem expedient. (D.R., s. 7, s-s. 5.)

As to penalty for keeping false registers, see s. 208 (1).

(3). To maintain proper order and discipline in his school, according to the prescribed regulations.

To maintain order and discipline.

The teacher should practise such discipline in his

Sec. 131. school as would be exercised by a kind, firm, and judicious parent ; he should reprove his pupils with tenderness and becoming deliberation, and should aim at governing them through their affections and reason rather than by force ; he should encourage his pupils to entertain kindly feelings one towards another, to respect each other's rights, to be polite in and out of school, to form habits of honesty and truthfulness, to obey all persons in authority over them, to cultivate a patriotic interest in their country, and to discountenance quarrelling, cruelty to animals, and the use of profane or other improper language. (D.R., s. 7, s-s. 6.)

The teacher may, in case any pupil is guilty of persistent truancy ; violent opposition to authority ; the repetition of any offence after being warned ; habitual and wilful neglect of duty ; using profane or improper language ; cutting, marring, destroying, or defacing any part of the school property ; writing any obscene words on the fences, water-closets, or any part of the school premises ; or of general bad conduct, injurious to the moral tone of the school, suspend such pupil for one month, or until such suspension is removed on assurance of better conduct, or by order of the board of trustees. (D.R., s. 6, s-s. 6.) And see D.R., s. 6, s-s. 16. And where a pupil has been suspended, the Court should not interfere unless they can come to the conclusion that no discretion rested in the teacher or trustees, and that no official judgment was required or permitted. (High on Extraordinary Legal Remedies, 2nd. ed., p. 26.) These regulations as to suspension should be strictly followed. It would be very unwise of the teacher to depart from them, and order something to be done by the pupil not thereby contemplated. (*Re McCallum and Board of Public School Trustees of Section 6, Township of Brant*, 17 O.R. 451.)

The teachers have only the power to suspend pupils, and they cannot deny the right of attendance at the school, and their action in so doing would be illegal. (*In re the Minister of Education, McIntyre v. Public School Trustees of Section 8, in the Township of Blanchard*, 11 O.R. 439.)

In *Re Yuill*, an unreported case, it was held that an

application for mandamus would not lie to correct a supposed error of teacher or trustee in a matter of discipline, and that such an application was practically an appeal from the decision of the teacher and trustees.

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A pupil who refuses to give information in his possession concerning the obscene defacement of a school building by another is properly suspended. (*Board of Education v. Helston*, 32 Ill. App. 300.) And a pupil under suspension who insolently defies and applies profane and obscene epithets to a board of school trustees before whom he has been summoned forfeits his rights, if any, to reinstatement. (*Ib.*) The suspension of a pupil until his compliance with the requirements of the board of school trustees will not be construed to continue beyond the current school year. (*Ib.*)

In England, a schoolmaster of a board school has the right to corporally punish pupils for misconduct, and for that purpose stands, for the time being, *in loco parentis*.

In *Cleary v. Booth*, (1893) 1 Q.B. 465; 29 C.L.J. 286, it was decided that a board schoolmaster has authority to inflict corporal punishment on a pupil for misconduct to another pupil when both are on their way to, but outside and at a distance from, the school premises. Mr. Justice Lawrence stated that upon this point there was no distinct authority. The question was whether the head-master of a board school might administer corporal punishment for something done outside the limits of the school. The facts were these:—Booth, a pupil at the board school, was on his way to school when he came across another boy of the same school, and it was complained that Booth threw a piece of putty, and with it hit the other boy. For this he was promptly caned by the master on his arrival at the school, on evidence brought before him by a witness. The learned judge was of opinion that a schoolmaster had authority delegated to him from the father, who must have been taken to delegate the authority exercised by the schoolmaster here. The Education Code of 1892 provided that all "reasonable care" was to be taken in the management of the school "to bring up the children in habits of

Sec. 131. punctuality, of good manners and language, of cleanliness and neatness, and also to impress upon the children the importance of cheerful obedience to duty, of consideration and respect for others, and of honor and truthfulness in word and act." How could this be carried out if the authority of the master was said to apply only to treatment of the children in school? If, for instance, a cleanly boy, at a distance of a yard outside the school, were to roll in the mud, and make use of bad language, should not the master have authority over him, and be able to inflict punishment at once? It was not reasonable to hold that the parent's authority ended at the house door, and the schoolmaster's did not begin till at the school door. There must be authority in the schoolmaster to punish, especially for misconduct to another pupil.

When giving judgment in *Regina v. Hopley*, 2 F. & F. 202, Lord Chief Justice Cockburn said: "By the law of England, the parent, or schoolmaster, who for this purpose represents the parent, and has parental authority delegated to him, may, for the purpose of correcting what is evil in the child, inflict moderate and reasonable corporal punishment, always, however, with the condition that it is moderate. If it be administered for the gratification of passion or rage, or if it be protracted beyond the child's power of endurance, or with an instrument unfitted for the purpose, and calculated to produce danger to life and limb, in all such cases the punishment is excessive and violent, and is unlawful; and if evil consequence to life and limb ensue, then the person inflicting it is answerable to the law, and, if death ensue, it will be manslaughter."

And in *Fitzgerald v. Northcote*, 4 F. & F. 656, it was held that the authority of the schoolmaster is, while it exists, the same as that of the parent; and that it is for the general benefit of society, and especially of its youth, that the authority of those charged with the care of great scholastic establishments should be maintained, and, on the other hand, it is of equal importance that it should not be exercised arbitrarily.

(4). To keep a visitors' book (which the trustees shall provide) and enter therein the visits made to his school. Sec. 131.
To keep a visitors' book.

The visitors allowed by law are all judges, members of the Legislature, members of county councils, aldermen, and clergymen, who reside in the municipalities in which the schools are situate (s. 184). Besides these, there are also the trustees (s. 40, s-s. 4 ; s. 107, s-s. 8), and inspectors (s. 155, s-s. 1).

It would seem from the wording of the Act that no other persons have a legal right to visit the schools except those named (s. 185).

See also remarks under sub-section 4 of section 40.

(5). To give the trustees and visitors access at all times, when desired by them, to the registers and visitors' book appertaining to the school ; To give access to register and visitors' book.

(6). To deliver up any school registers, visitors' book, schoolhouse key, or other school property in his possession, on the demand or order of the majority of the corporation employing him. Deliver up registers and key.

Any teacher who refuses to give up possession of any visitors' book, school register, schoolhouse key, or any other school property in his possession, shall not be deemed a qualified teacher until restitution is made, and shall also forfeit any claim he may have against the trustees employing him (s. 210, s-s. 2).

(7). To hold during each term a public examination of his school, of which he shall give due notice to the trustees of the school, to any school visitors who reside in the school To hold public examinations.

Sec. 131. section and through the pupils to their parents or guardians;

To furnish information to the Minister and inspector.

(8). To furnish to the Minister of Education, or to the school inspector, from the trustees' report or otherwise, any information which it may be in his power to give respecting anything connected with the operations of his school, or in any wise affecting its interests or character.

It is the duty of the teacher to make up all returns to the inspector or the Education Department, as far as the information required can be supplied from the school register, and to furnish such other information affecting the interests of his school as may from time to time be required by the Education Department or the inspector. (D.R., s. 7, s-s. 10.)

To prepare reports.

(9). To prepare, so far as the school registers supply the information, such reports of the corporation employing him as are required by the Education Department.

See remarks under previous sub-section. As to penalty for making false reports, see s. 208 (1).

To notify trustees of unsanitary condition of closets, etc.

(10). To notify the trustees, and in case of their neglect, to notify the local board of health when the closets or outhouses belonging to the school are dangerous to the health of the pupils.

The school teacher should give strict attention to the proper ventilation and cleanliness of the schoolhouse, and should make and enforce such rules as will ensure the keeping of the school grounds and outbuildings in a neat

and cleanly condition. (D.R., s. 7, s-s. 7.) He should see that the school grounds, sheds, and water-closets are kept in proper order; and should give notice in writing to the trustees of any repairs required to be made to same. (*Ib.*, s-s. 8.) Sec. 131.

(11). To notify the medical health officer of the municipality, or where there is none to notify the local board of health, whenever he has reason to believe that any pupil attending school is affected with or exposed to small-pox, cholera, scarlatina, diphtheria, whooping-cough, measles, mumps, glanders or other contagious disease, and to prevent the attendance of all pupils so exposed, or suspected of being exposed, until furnished with the written statement of the health officer, or of the local board of health, or of a physician, that such contagious diseases did not exist, or that all danger from exposure to any of them had passed away.

To take precautions against spread of infectious disease.

Under this section, the teacher would appear to be a *quasi* officer of the medical health department of the municipality in which his school is, as he has to report direct to the medical health officer of such municipality instead of to the trustees. The duty of the trustees in sanitary matters seems to be confined to looking after the sanitary condition of the schoolhouses and appendages (s. 40, s-s. 2; s. 107, s-s. 4). The general health of the children seems to be under the supervision of the medical health officer of the municipality or the local board of health, to which the teacher reports direct, as stated above.

The Public Health Act, R.S.O., 1887, chapter 205, section 94, provides that

"(1) Whenever a case of smallpox, cholera, scarlatina, diphtheria, whooping cough, measles, mumps glanders, or

Sec. 131. other contagious disease, exists in any house or household belonging to which are persons attending school, the householder shall, within eighteen hours of the time such disease is known to exist, notify the head teacher of such school or schools, and also the secretary of the local board of health, of the existence of such disease; and no member of such household shall attend school until a certificate has been obtained from the medical health officer, or legally qualified medical practitioner, that infection no longer exists in the house, and that the sick person, house, clothing, and other effects have been disinfected to his satisfaction; and until such certificate shall have been obtained, it shall be the duty of every member of the household, and of the teacher, to use all reasonable efforts to prevent the association of members of the said household with other children.

“(2) Whenever the local board of health or any of its officers or members know of the existence in any house of smallpox, cholera, scarlatina, diphtheria, whooping cough, measles, mumps, glanders, or other contagious disease, they shall at once notify the head or other master of the school or schools at which any member of the household is in attendance; and should it not be evident that said member has not been exposed to said diseases, or any of them, the teacher must forthwith prevent such further attendance until the several members present a certificate stating that infection no longer exists, as provided in the preceding sub-section.

“(3) Whenever a teacher in any school has reason to suspect that any pupil has, or that there exists in the home of any pupil, any of the above-mentioned diseases, he shall be required to notify the medical health officer, or, where none such exists, the local board of health, on forms supplied by the school authorities, in order that evidence may be had of the truthfulness of the report; and he shall further be required to prevent the attendance of said pupil or pupils until medical evidence of the falsity of the report has been obtained.”

See, however, the powers of trustees as to vaccination,

R.S.O., 1887, c. 206, s. 16, which provides that "it shall be lawful for the trustees of any public, separate, or high school to provide that no children shall be permitted to attend any school without producing a certificate of successful vaccination when demanded of him or her by the teacher."

Secs. 131,
132.

Teachers are further required by the rules of the Education Department to see that no damage is done to the furniture, fences, outbuildings, or other school property, and to give notice in writing to the trustees of any necessary repairs (D.R., s. 7, s-s. 8); to employ, unless otherwise provided for by the board of trustees, a suitable person to make fires, sweep the rooms, dust the walls, seats, desks, and other furniture (*Ib.*, s-s. 9); to attend regularly the teachers' institutes held in this country, and to contribute from his experience and observation to their general usefulness (*Ib.*, s-s. 11); to give immediate notice to the trustees and inspector of his absence from school through illness or other unavoidable cause (*Ib.*, s-s. 12); to take up no collections or subscriptions from the pupils, make no announcements, nor distribute bills or advertisements, except for school purposes, without the consent of the board of trustees (*Ib.*, s-s. 14); to receive no presents from the pupils, except when severing his connection with the school; nor to give any medal or prize to any pupil without the consent of the board of trustees (*Ib.*, s-s. 15); and to avoid making up lost time by teaching on a holiday or during vacations. Any attendance during such time shall be disallowed by the inspector (*Ib.*, s-s. 16).

AGREEMENTS.

132. All agreements between trustees and teachers shall be in writing, signed by the parties thereto, and sealed with the corporate seal of the trustees.

Valid agree-
ments with
teachers.

The trustees under this section only act in their public

Sec. 132. corporate capacity, and, if acting within the scope of their authority, can only be charged in their corporate capacity, and not individually, under any agreement made between them and the teacher. (*Anderson v. Vansittart et al.*, 5 Q.B. 335; *Sheriff v. Patterson et al.*, 5 Q.B. 620.) See also remarks under section 7.

It is necessary that the trustees, in order to be bound, should contract under their corporate seal, and a teacher in bringing an action against them under an agreement should allege that the agreement was so made. (*Quin v. The School Trustees*, 7 Q.B. 130.)

The trustees and teacher cannot be regarded as master and servant under the Act respecting Master and Servant, R.S.O., 1887, c. 139; and a teacher cannot take proceedings under that Act against the trustees for the recovery of his salary. (*In re Joice*, 19 Q.B. 197.)

Under the above section, a person can only become a public school teacher by agreement under seal, and any other agreement, verbal or written, would not be an agreement for that purpose with the school corporation. And no person should expect to become a teacher under the school corporation, or should commence the performance of any duties, with a view to remuneration from the corporation, without the essential preliminary of a contract under seal. (*Birmingham v. Hungerford et al.*, 19 C.P. 411.) A teacher, in order to recover in an action under the agreement between him and the trustee corporation employing him, must hold a legal certificate under section 134. (*Wright v. The Trustees of School Section No. 3, in the Township of Stephen*, 32 Q.B. 541.)

An agreement by a rural school corporation to employ a teacher must be adopted at a regular or special meeting of the trustees, of which proper notice has been duly given, and a minute of the act must be made in writing and signed by at least two of the trustees; otherwise it is invalid (s. 36). And where an agreement to employ a teacher was made in writing, under seal, and signed by two of the three school trustees, but not at the same time, or at any meeting of the trustees called for the purpose of transacting school

business, it was held to be void under said section 36. **Secs. 132, 133.**
(Lambiere v. The School Trustees of Section No. 3, South Cayuga, 7 A.R. 506.)

And a county superintendent signing, together with trustees, a contract with a teacher will be considered to have signed only as approving of the appointment, and not as contracting with the teacher. *(Campbell v. Elliot et al., 3 Q.B. 241.)*

In cities, towns, and incorporated villages, an agreement to employ a teacher must be adopted and assented to, by a majority, at a meeting of the board, which meeting can only properly act so as to bind the board when a majority of the members of such board are present, that majority constituting a quorum (s. 106, s-s. 5).

Any action brought by a teacher against a board of school trustees under an agreement with them, for arrears of salary, must be brought within three months from the time such salary is due and payable by the trustees (s. 137).

For form of agreement for engagement of a public school teacher, see *Form 47*, Appendix A.

133. Any teacher who enters into an agree- Suspension of certificate for breach of agreement.
 ment with the trustees of any Public School, and who wilfully neglects or refuses to carry out such agreement shall, on the complaint of such school trustees, be liable to the suspension of his certificate by the inspector under whose jurisdiction he may be for the time being.

This section, together with section 144 (1), provides a proceeding by which the *status* or qualification of the teacher may be determined; and the result of such proceeding may be, in effect, the same as dismissal; but the above section does not deprive the trustees of the inherent right to dismiss which necessarily arises from the relation of the parties as employer and person employed. *(Raymond v. School Trustees of the Village of Cardinal, 14 A.R. 562.)*

Secs. 133, 134, 135, 136. For form of trustees' request to inspector to suspend a teacher's certificate, see *Form 48*, Appendix A.

Qualified teacher defined.

134. No person engaged to teach a Public School shall be deemed a qualified teacher who does not at the time of his engaging with the trustees, and during the whole period of such engagement, hold a legal certificate of qualification.

See remarks under section 2, sub-section 1.

A teacher cannot recover against a trustee corporation on a claim for salary unless he holds the certificate mentioned in above section. (*Wright v. The Trustees of School Section No. 3, in the Township of Stephen*, 32 Q.B. 541.)

And any teacher who refuses to give up possession of any visitors' book, school register, schoolhouse key, or any other school property in his possession, shall not be deemed a qualified teacher until restitution is made, and shall also forfeit any claim which he may have against the trustees (s. 210, s-s. 2).

Proportion of salary to which teacher entitled.

135. Every teacher who serves under an agreement with a board of trustees for three months or over shall be entitled to be paid his salary for the authorized holidays occurring during the period of such service in the proportion which the number of days during which he has taught in the calendar year, bears to the whole number of teaching days in such year.

Entitled to salary.

136. Every teacher shall be entitled to his salary during sickness, certified by a physician, for a period not exceeding four weeks for the

entire year; this period may be increased at the pleasure of the trustees. Secs. 136, 137, 138, 139.

The period should be increased by a formal resolution of the board, which should be entered upon the minutes of the board.

137. If at the expiration of a teacher's agreement with a board of trustees his salary has not been paid in full such salary shall continue to run at the rate mentioned in such agreement until paid, provided always that an action shall be commenced within three months after such salary is due and payable by the trustees. Protection of teachers in regard to salary.

138. All matters of difference between trustees and teachers, in regard to salary or other remuneration, shall be brought before the Division Court of the district where the cause of action arose, subject to appeal, as provided by this Act. Provision in case of difference between teacher and trustees.

As to appeals from Division Court decisions, see sections 179 to 183.

139. In pursuance of a judgment or decision given by a County Judge in a Division Court, under the authority of this Act, and not appealed from, execution may issue from time to time to recover what may be due of the amount which the Judge may have decided the plaintiff entitled to, in like manner as on a judgment recorded in a Division Court for a debt, together with all fees and expenses Issue of execution

Secs. 139, incidental to the issuing thereof and levy
140. thereunder.

CERTIFICATES.

Three classes
of certificates.

140. Every certificate to teach a Public School shall be ranked as of the first, second, or third class, and shall be issued only to such persons as furnish satisfactory proof of good moral character, (a) are at least eighteen years of age, (b) are natural born or naturalized subjects of Her Majesty, (c) and pass the examinations prescribed by the Education Department.

As to the authority for holding examinations, see *The Education Department Act*, 54 Vict., c. 54, s. 4 (3). See also section 134 of this Act, and remarks thereunder.

(b) It is to be presumed that resident and assessed inhabitants of this Province are British subjects till something is shown to the contrary from which it can be determined that they are aliens. (*Reg. ex rel. Carroll v. Beckwith*, 1 P.R. 284.) A person born in New York in 1830, the son of a British subject, who had emigrated from Ireland a short time previously, and a year or two after his birth came to Upper Canada, and ever since resided here, was held to be a British subject within the meaning of above clause. (*Reg. ex rel. McVean v. Graham*, 7 L.J. 125.) But a person born in the United States before the Revolution, who continued to reside there afterwards, was held to be an alien. (*Doe d. Patterson v. Davis*, 5 O.S. 494.) The son of a British subject who was married to an alien residing out of British possessions at the time of his birth was held to be an alien. (*Doe d. Robinson v. Clarke*, 1 Q.B. 37.) But the son of an alien, once naturalized, continues a British subject, notwithstanding the residence of his father beyond British allegiance. (*Doe d. Hay v. Hunt*, 11 Q.B. 367; *Montgomery v. Graham*, 31 Q.B. 57.)

141. Certificates of the first and second class shall be granted by the Minister of Education on the report of examiners appointed by the Education Department, and shall be valid during good conduct in the Province; certificates of the third class shall be granted by the county board of examiners and shall be valid in the Province for a period of three years. Every third-class certificate shall have the signature of at least one Public School inspector.

Secs. 141, 142.

First, second, and third-class certificates.

See as to power of Education Department to accept other examinations or certificates in lieu of above, 54 Vict., c. 54, s. 5 (4) and (6); D.R., s. 61, as to instructions to examiners; D.R., ss. 50, 51, 52, 60, and 68, as to examinations. As to examinations by county board of examiners, see section 145 of this Act. D.R., s. 52 (4 and 5), as to the extension of third-class certificates; D.R., s. 55, as to the training of French and German teachers; and D.R., ss. 44 and 45, as to kindergarten directors and assistants' certificates.

142. District certificates shall be valid only in the districts following, namely: Rainy River, Thunder Bay, Nipissing, Algoma, Parry Sound, Muskoka, Haliburton, and the counties of Victoria, Peterborough and Hastings, and all counties lying east thereof. In the districts aforesaid, the board of examiners for granting such certificates shall consist of the inspector, the district Judge and Stipendiary Magistrate; and in the counties aforesaid of the county board of examiners.

Third-class district certificates.

See D.R., s. 54, as to the boards of examiners and examinations under this section.

**Secs. 143,
144.**

**Former
certificates
continued.**

143. (1). All teachers' certificates granted before the fifteenth day of February, in the year 1871, shall remain in force on the terms and conditions of the Act under which they were granted; and upon their ceasing to be valid, as provided by law, other than by the confirmation of their suspension, they may be renewed from time to time under the regulations of the Education Department.

Same subject.

(2). Every first-class certificate issued under any Act of this Province by a county board, before the fifteenth day of February, 1871, and valid in any city or county, on the 24th day of March, 1874, shall be valid in the Province during the good conduct of the holder thereof.

Same subject.

(3). Every second-class certificate issued before such time, and under like authority, and valid in any city or county, on the 24th day of March, 1874, shall, when such teacher has taught for a period of not less than ten years in Ontario, continue to be valid during good conduct in such city or county.

**Suspension of
certificate for
misconduct, etc.**

144. (1). The inspector may suspend the certificate of any teacher under his jurisdiction for inefficiency, misconduct, or a violation of this Act or of the regulations of the Education Department. In every case of suspension, he shall notify in writing the trustees concerned, and the teacher, of the reasons for such suspension.

Officers required by law to exercise their judgments are

not answerable for mistakes in law or mere errors in judgments, in the absence of any fraud or malice on their part.

Sec. 144.

See D.R., s. 74 (14), as to duty of a county inspector to suspend a teacher's certificate.

Under section 8 of *The Education Department Act*, the Minister of Education has power to decide upon and settle all disputes laid before him for settlement, and upon all appeals made to him from the decision of any inspector or other school officer.

See *Raymond v. School Trustees of Cardinal*, cited under section 133.

A representation by the assessed inhabitants of a school section as to the character of the teacher, made with the view of obtaining redress, is a privileged communication, which it is of importance to the public to protect, and such a statement would not be the less privileged if made by mistake to the wrong quarter; e.g., to the local superintendent of schools. (*McIntyre v. McBean*, 13 Q.B. 534.)

For form of notice of suspension of certificate, see *Form 49*, Appendix A.

(2). If the certificate so suspended was issued by the Chief Superintendent or Council of Public Instruction, or by the Education Department or Minister of Education, the inspector shall forthwith report to the Minister of Education, and such suspension shall continue until the case is decided by the Minister.

Suspension to be reported.

For form of notice to Minister of Education, see *Form 50*, Appendix A.

(3). If the certificate was granted by a county board of examiners, the inspector shall forthwith call a meeting of such county board of examiners for the consideration of such suspension, of which due notice shall be given

Same subject.

Secs. 144, 145. to the teacher concerned, and the decision of such board shall be final.

See section 145 (1) and (5) as to persons constituting the county board of examiners.

For form of notice to teachers of the meeting of the county board of examiners to consider his case, see *Form 57*, Appendix A.

COUNTY BOARDS OF EXAMINERS.

To examine
teachers and
give certificates.

145. (1). The municipal council of each county shall appoint a board of examiners, consisting of the inspector or inspectors having jurisdiction within the county or any part thereof, and not more than two other persons holding first-class certificates of qualification, for the purpose of examining candidates for teachers' third-class certificates and for such other purposes as may be prescribed by this Act. The board shall hold at least one examination each year. A majority of the board shall form a quorum.

This board is only appointed for the purpose of conducting examinations for the granting of third-class certificates.

The regulations of the Department of Education provide that "the examination for third-class certificates shall be conducted by the county board of examiners, which shall have authority to elect its own chairman and secretary. No principal of a county model school shall be a member of the county board of examiners. The secretary shall be paid such remuneration as may be approved by the county council." (D.R., s. 46.)

Additional
examiners.

(2). Where deemed necessary from the general use of the French or German

language, the county council may appoint additional examiners, not exceeding two, for the purpose of conducting the examination of candidates for a teacher's certificate in either of the languages aforesaid.

Secs. 145,
146.

(3). The treasurer of the county shall, on the requisition of the chairman of the board, pay all the incidental expenses of the examination of third-class teachers. He shall also, on a like requisition, pay each member of the board the sum of \$4 per diem and travelling expenses while engaged as examiner.

Expenses of
examination.

For form of requisition, see *Form 52*, Appendix A.

(4). Every member of a county board of examiners while engaged in conducting an investigation affecting the standing of any teacher within the jurisdiction of the board shall be paid the sum of \$4 per diem and travelling expenses by the treasurer of the county.

Fees of examiner investigating standing of teacher.

(5). After the passing of this Act no person shall be appointed a member of a county board of examiners who is not actually engaged in teaching and who has not had at least three years' experience as a teacher in a Public or Separate School.

None but teachers to be examiners.

MODEL SCHOOLS.

146. (1). The board of examiners of every county shall, subject to the regulations of the Education Department, set apart at least one

One school in each county to be set apart as county model school.

Sec. 146. Public School in each county as a county Model School for the training of teachers for third-class certificates.

As to the powers of the Education Department to establish model schools, see *The Education Department Act, 1891*, s. 3 (6).

See Departmental Regulations, section 47, as to the establishment of City and County Model Schools. See D.R., s. 62, as to Provincial Model Schools.

As to the powers of trustees in cities, towns, and incorporated villages to establish model schools for the training of teachers, see s. 107 (9).

The county board of examiners are not confined to the establishment of one model school where more than that number would be necessary (s-s. 2).

As to the appointment and duties of inspectors of model schools, see same Act, s. 5 (1), and D.R., ss. 77 and 74 (15).

When model schools may be discontinued.

(2). Where more Model Schools than one have been established in any county and where the teachers in training for the two preceding years at such schools have not exceeded twenty-five, the county board of examiners may, with the approval of the Education Department, discontinue one or more of such schools, but not so as to reduce the number below that required by this Act.

Aid to county model schools.

(3). The municipal council of each county shall pay to the treasurer of each Public School within the county to which a county Model School is attached an amount at least equal to the sum voted by the Legislative Assembly for each county Model School, but

the amount to be provided by the county council shall not be less than the sum of \$150 annually and the council may, if it sees fit, provide a larger amount of aid. Secs. 146, 147.

The Consolidated Municipal Act contains no provisions authorizing the county council to pass by-laws for above purpose.

TEACHERS' INSTITUTES.

147. (1) The teachers of one or more Organization of teachers' institutes. inspectoral districts may organize themselves into a Teachers' Institute for the purpose of receiving instruction in methods of teaching and for discussing educational matters, subject to the regulations of the Education Department.

As to the power of the Education Department to establish Teachers' Institutes, see 54 Vict., c. 54, s. 3 (9). As to regulations respecting the same, see D.R. 73.

(2). The Minister of Education may appropriate out of any moneys voted by the Legislative Assembly for that purpose the sum of \$25 to each teachers' institute organized and conducted according to the regulations of the Education Department and the municipal council of each county or city shall pay annually to the order of the president of each teachers' institute within the county or city a sum at least equal to the amount so appropriated by the Minister of Education. Aid to teachers' institutes.

There is no provision in *The Consolidated Municipal Act* authorizing the county council to pass a by-law for the

Secs. 147, 148, 149. purpose mentioned in above section ; but under s. 489 (10) of that Act, the city council would have power to pass such a by-law.

LEAVING EXAMINATION.

Leaving examinations to be held annually in public schools.

148. There shall be an annual leaving examination in the Public Schools, on such subjects and according to such regulations as may be prescribed by the Education Department.

The subjects of examination are prescribed from time to time by the Education Department. For those in use at the present time, and regulations regarding the same, see D.R., s. 9.

INSPECTORS.

Qualification for appointment as inspector.

149. No person shall be appointed inspector of Public Schools who does not hold an inspector's certificate of qualification, and no teacher or trustee of any Public, High or Separate School shall be appointed inspector while acting as teacher or trustee.

The qualification for a public school inspector's certificate shall be (a) five years' successful experience as a teacher, of which at least three years shall have been in a public school ; and (b) a specialist's certificate obtained on a university examination, or a degree in arts from the University of Toronto, with first-class graduation honors in one or more of the recognized departments in said university, or an equivalent standing in any other university of Ontario, with a certificate of having passed the final examination of the Provincial School of Pedagogy. (D.R., s. 72, s-s. 5.) This regulation only remains in force till January 1st, 1894. (D.R., s. 69.)

150. (1). The municipal council of each county shall appoint an inspector for such county, providing always that any inspector appointed hereafter for a county or part of a county, shall be the inspector of the schools of any town not separated from the county in the district to which he has been appointed.

Sec. 150.

Number of
inspectors.

See section 154 as to the appointment of inspectors in territorial districts. No inspector of schools shall, during his tenure of office, engage in or hold any other employment, office, or calling which would interfere with the full discharge of his duties as inspector (s. 159). A somewhat similar provision is made by section 189 with regard to trustees.

(2). One inspector shall not have charge of more than one hundred and twenty schools or less than fifty but it shall not be necessary to appoint more than one inspector in each riding of a county.

Jurisdiction
of inspectors.

(3). In counties containing any municipality wherein the French or German language is the common or prevailing language, an inspector may have charge of any number of schools not less than forty.

French or
German.

(4). In counties where there are more than fifty Public Schools, the county council may appoint two or more inspectors, and prescribe and number the territorial limits of each, and change or remove the inspectors from one district or riding of the county to another.

Counties may
appoint additional inspectors
and change
inspectors.

**Secs. 151,
152, 153.**

Warden may
supply vacan-
cies in the office
of inspector.

151. In the event of a vacancy occurring in the office of county inspector, the warden of the county may appoint any person legally qualified to fill such vacancy until the next ensuing meeting of the county council. Notice of such appointment or of any appointments by the county council shall be given to the Minister of Education forthwith.

As to qualification required for office of inspector, see s. 149.

Conditions of
dismissal of
inspector.

152. Every county inspector shall, in case of misconduct or inefficiency, be subject to dismissal by the Lieutenant-Governor in Council, or by a majority of the members of the council appointing him, or without cause by a vote of two-thirds of such council, and no such inspector shall be reappointed without the concurrence of the party who dismissed him.

The county inspector must deliver over to his successor, on retiring from office, copies of his official correspondence, and all school papers in his custody, on the order of the county council or public school board appointing him (s. 155, s-s. 10).

Additional
allowance by
Lieutenant-
Governor.

153. The Lieutenant-Governor may direct the payment annually out of the Consolidated Revenue of the sum of \$5 per school to each county inspector, and the county council shall pay quarterly at the rate of not less than an equal amount per school, and in addition thereto reasonable travelling expenses, the amount to be determined by the county council.

154. The Lieutenant-Governor in Council may appoint such inspectors as may be deemed expedient for the purpose of inspecting schools in the territorial districts and encouraging the establishment of new schools, and also for conducting any examination prescribed by the Education Department, or reporting on any school matter, and any person or persons so appointed shall be paid out of any moneys appropriated by the Legislature for educational purposes.

Secs. 154.

155.

Additional remuneration to inspectors in new districts.

155. It shall be the duty of every county inspector:—

Duties of inspectors.

(1). To visit every Public School within his jurisdiction once in each term, unless required to do so oftener (for the adjustment of disputes or other purposes) by the county council which appointed him, and to see that every school is conducted according to this Act and the regulations of the Department.

To visit each school once a term.

The remarks under sub-section 4 of section 40 and sub-section 8 of section 107 can be applied to this sub-section.

The inspector, while officially visiting a school, has supreme authority in it, and may direct teachers and pupils in regard to any or all of the exercises of the schoolroom. He may either examine the classes himself or direct the teachers to do so. He is at liberty to give such advice to the pupils or to the teacher as he may deem necessary. All his counsels, however, should be given in a spirit of kindness, and his authority should be exercised, not with a view to over-awe or intimidate, but to reform abuses, correct mistakes, and inspire confidence and respect. He should be courteous and considerate, and, when reproof is

Sec. 155. necessary, it should be tempered with gentleness and sympathy. (D.R., s. 80.)

Examine the
state of the
school.

(2). To examine at his visits of inspection, into the condition of the school, as respects the progress of the pupils in learning; the order and discipline observed; the system of instruction pursued; the mode of keeping the school registers; the average attendance of pupils; the character and condition of the building and premises; and to give such advice to the teachers, pupils and officers of the school as he may consider proper.

It is the duty of the teacher to furnish the inspector with any information he may require under this section (s. 131, s-s. 8).

Inspectors of county public schools are required by the regulations of the Education Department to satisfy themselves as to the progress made by the pupils from time to time; to examine into the methods of instruction pursued by the teacher; to teach a few model lessons themselves; to ascertain the nature of the discipline exercised by the teacher; to examine the registers, maps, seats, and all internal and external equipment of the schoolhouse; to report to the trustees in regard to such matters as require their attention; to give such advice to teachers as may be deemed necessary; and to see that no unauthorized text-books are used in the school. (D.R., s. 74, s-s. 2 to 9.)

Deliver
lectures.

(3). To deliver from time to time, public lectures in his district on some subject connected with Public School education.

To withhold
order for grant
in certain cases.

(4). To withhold his order for the amount apportioned from the legislative or municipal grant to any school section; (a) When the

school was kept open for less than six months in the year; or (b) When the trustees fail to transmit the annual or semi-annual school returns properly filled up; or (c) When the trustees fail to comply with the School Act, or the regulations of the Education Department; or (d) When the teacher uses, or permits to be used, as a text-book any book not authorized by the Education Department, and in every case to report to the trustees and to the Education Department his reasons for so doing.

See section 123 as to the distribution of the public school grant on the order of the inspector. See D.R., s. 74, s-s. 10, as to steps to be taken by the inspector before withholding the school grant. See also D.R., s. 74, s-s. 11, as to the division of the school grant by the inspector.

(5). To give when desired any information in his power to the Minister of Education, respecting any Public School matter within his jurisdiction, and to prepare and transmit to the Minister of Education, on or before the first day of March, an annual report in the form prescribed by the Education Department.

To give information and report to Minister.

He can obtain this information from the teacher, who must furnish same on the inspector's request (s. 131, s-s. 8). He can also obtain it from the school registers prepared by the teacher (s. 131, s-s. 9).

For form of report, see *Form 53*, Appendix A.

(7). To recommend to the county or township council such special aid as he may deem

Aid to poor schools.

Sec. 155. advisable to be given to new or weak school sections in the county.

There is an error in the numbering of this sub-section ; the same should be 6, and the following sub-sections 7, 8, and 9 respectively.

Call special
school meeting.

(8). To appoint, in his discretion, the time and place for a special school meeting.

In default of the first or annual meeting not being held at the proper time, the inspector may call a school meeting (s. 18).

May give tem-
porary certifi-
cates to
teachers.

(9). To give, at his discretion, any candidate, on due examination, a certificate of qualification to teach a school within his district until the next ensuing professional examination of teachers.

These certificates should be granted only (a) when petitioned for by a board of trustees, and only for the school over which such board has jurisdiction ; and (b) until the date of the next ensuing Departmental examinations ; and (c) when it appears that a teacher holding a regular certificate is not available. The consent of the Minister of Education is also necessary in every case. (D.R., s. 74, s-s. 13.)

For form of temporary certificate to teacher, see *Form 54*, Appendix A.

Deliver up
papers on
retiring from
office.

(10). To deliver over to his successor, on retiring from office, copies of his official correspondence, and all school papers in his custody, on the order of the county council or Public School board appointing him.

It seems that this would also have to be done in the event of his dismissal under section 152.

Besides the above duties, the following other duties are imposed by the Act upon the inspector by virtue of his office : Sec. 155.

In default of the first or annual meeting not being held at the proper time, the inspector may call a school meeting (s. 18).

He should see that he receives promptly a correct copy of the first and of every annual and of every special school meeting, and a copy of the poll book where a poll has been taken at such first meeting (s. 31).

He must investigate all complaints as to elections, if made to him within twenty days after the election (s. 32). See also D.R., s. 74 (12).

In case of a difference of opinion between the auditors on matters of account, the same must be referred to and decided by the county inspector (s. 38, s-s. 2).

Under section 40, sub-section 13, he is to receive from the board of trustees the half-yearly and annual returns as therein provided.

He is empowered to form a township, or two or more adjoining townships, into a school section (s. 41). Under section 44 (3), he can divide the school section into groups of three sections in every group.

Where there is a difference in regard to the selection of a school site, and the majority of the school trustees, or the majority of a public school meeting, neglects or refuses to appoint an arbitrator, or the owner of the land selected for the site neglects or refuses to appoint one, the inspector, with the arbitrator appointed, are empowered to meet and settle the matter (s. 68).

Under section 81 (3), in the matter of the alteration of school boundaries, the county inspector is to form one of the board of arbitrators to revise, determine, or alter the boundaries of the school sections.

Under section 87 (1), notice of the petition to municipal councils asking for the formation, alteration, or dissolution of a union school section must be sent to the inspector or inspectors of the district or districts concerned, who is, or are, also to act as arbitrators. And, by sub-section 3 of said

Sec. 155. section, the inspector representing the greatest number of schools is to call the first meeting of the arbitrators, and is to give ten days' notice of such meeting to the clerks of the municipalities concerned.

By section 95, in case of a disagreement as to the equalization of union school assessments, arbitration is provided to settle the matter; and the inspector is authorized to name an arbitrator.

Under section 111, the inspector is empowered to receive from the clerk of every municipality, upon request, a statement of the assessed value of each school section, as shown by the revised assessment roll for that year.

Under section 113, the inspector is to receive from the clerk of every municipality a list of the supporters of separate schools against whom any rate for public school purposes has been erroneously placed upon the collector's rolls; and the inspector, before issuing his order for the payment of the county grant to the public school sections, is to deduct therefrom the amount so certified to him.

The inspector is to distribute the respective portions of the public school grant voted by the Legislative Assembly or raised by county rate among the school sections and divisions of each township under his jurisdiction, and give notice of the amount payable to each school section to the secretary-treasurer thereof (s. 123).

The inspector may suspend any teacher who enters into an agreement with the trustees of any public school, and wilfully neglects or refuses to carry out such agreement (s. 133). He may also suspend him for misconduct, inefficiency, or a violation of the Act, or of the regulations of the Education Department. When a teacher is suspended, the inspector is to notify him and the trustees concerned, in writing, of the reasons for such suspension (s. 144, s-s. 1).

As to approval of change in authorized text-books, see s. 175.

See also D.R., ss. 23 and 27 (3).

INSPECTORS OF CITIES AND TOWNS.

Secs. 156,
157.

156. Inspectors of cities and of towns separated from the county, shall possess the same qualifications and powers and shall be subject to the same duties as county inspectors under this Act, so far as the same are applicable. They shall also discharge such other duties as may be prescribed by the board of school trustees, by whom they are appointed, or by the regulations of the Education Department.

Powers and
duties of
inspectors in
cities and
towns.

Inspectors in cities and towns shall perform similar duties as county inspectors, as far as practicable, and shall, in addition, perform such other duties as may be prescribed by the board of trustees. In cities with more inspectors than one, each inspector may be required to report separately to the Education Department. (D.R., s. 75.)

157. (1). Inspectors in cities and in towns separated from the county shall be appointed by the board of Public School trustees, and shall be subject to dismissal by the Lieutenant-Governor in Council or by a majority of the members of the board, in case of inefficiency or misconduct, or by a vote of two-thirds of the board without cause, and no such inspector shall be reappointed without the concurrence of the party who dismissed him.

Appointment of
inspectors in
cities and towns.

Compare with section 152.

(2). When the teachers engaged by the trustees of any city exceed three hundred in number the board shall appoint two inspectors,

When more
than one
inspector to be
appointed.

Secs. 157, 158, 159. and likewise an additional inspector for every three hundred teachers on the staff above six hundred.

Payment of
inspector's
salary in towns
not separated.

158. (1). When the Public School board of any town not separated from the county has before the passing of this Act appointed an inspector, other than the county inspector within whose district such town is situated, the county treasurer, on demand, shall pay to the order of such board a sum of money equal to the amount collected within such town for the payment of the salary of the county inspector.

Grants in aid of
inspector's
salary.

(2). The Lieutenant-Governor in Council may direct annually the payment out of the Consolidated Revenue of a sum not exceeding \$5 for every teacher occupying a separate room with a separate register, to the school board of any city or town separated from the county, towards the payment of the salary of the Public School inspector.

Inspector not to
hold other
offices.

159. No inspector of schools shall, during his tenure of office, engage in or hold any other employment, office or calling which would interfere with the full discharge of his duties as inspector.

The inspector may not become or act as agent for any person or persons to sell, or in any way to promote the sale for such person or persons, of any school library, prize, or text-book, map, chart, school apparatus, furniture, or stationery, or to receive compensation or other remuneration

or equivalent for such sale or for the promotion of sale in any way whatsoever (s. 210, s-s. 1). Secs. 159, 160.

160. In cases where any inspector requires the testimony of witnesses to the truth of any fact alleged in any complaint or appeal made to him or to the Minister of Education or the Education Department, it shall be lawful for such inspector to administer an oath to such witnesses, or to require their solemn affirmation before receiving their testimony. Inspector to swear witnesses in certain cases.

An affirmation may be accepted in place of an oath in certain cases.

Persons belonging to certain religious sects, namely, Quakers, Mennonists, or Tunkers, or members of the church known as the "Unitas Fratrum," often called the Moravian Church, after making the following declaration or affirmation, namely: "I, A. B., do solemnly, sincerely, and truly declare and affirm that I am one of the society called Quakers, Mennonists, Tunkers, or Unitas Fratrum, or Moravians" (*as the case may be*), may make an affirmation or declaration as follows: "I, A. B., do solemnly, sincerely, and truly affirm," etc., and such affirmation shall have the same force and effect, to all intents and purposes, as an oath taken in the usual form. (R.S.O., 1887, c. 61, s. 12.)

Persons called as witnesses, who refuse or are unwilling from alleged conscientious motives to be sworn, may, instead of being sworn, make their solemn affirmation or declaration as follows, namely: "I, A. B., do solemnly, sincerely, and truly affirm and declare that the taking of an oath is, according to my religious belief, unlawful; and I do also solemnly, sincerely, and truly affirm and declare," etc., and this solemn affirmation and declaration shall be of the same force and effect as if such persons had taken an oath in the usual form. (*Id.*, s. 13.)

Persons who object to take an oath, or who are objected to as incompetent to take an oath, may, on the

Secs. 160, 161. presiding officer being satisfied that the taking of an oath would have no binding effect on their conscience, make the following promise, affirmation, and declaration, namely: "I solemnly promise, affirm, and declare that the evidence given by me to the Court shall be the truth, the whole truth, and nothing but the truth."

And upon such persons taking such solemn affirmation and declaration, their evidence shall be taken. (*Ib.*, s. 14.)

See also 56 Vict. (Dom.), c. 31, ss. 22 to 24.

ALLOWANCE TO ARBITRATORS AND INSPECTORS.

Allowance to
arbitrators and
inspectors.

161. (1). All persons engaged as arbitrators on any matter arising under this Act shall be paid the sum of four dollars per diem and travelling expenses. In making their award the arbitrators shall, among other things, determine the liabilities of the parties concerned therein for the costs of such arbitration, and such determination shall be final and conclusive.

Arbitrators have no power to fix the amount of their own fees. (*Boyle v. Humphrey*, 1 P.R. 187; *McCulloch v. White*, 33 Q.B. 331.)

Allowance to
inspectors in
certain cases.

(2). When any complaint is made to an inspector with regard to any matter affecting the validity of the election of a Public School trustee, or the procedure of a school meeting requiring the taking of evidence where the cause of complaint arose, the trustees of the school section concerned shall pay the inspector while conducting such investigation the sum of \$4 per diem and travelling expenses.

SUPERANNUATION.

Secs. 162,
163.Superannuation
Fund.

162. Every teacher or inspector whose name is entered as having paid into the fund for the support of superannuated teachers, may contribute to such fund in such manner as may be prescribed by the Education Department, the sum of at least \$4 annually.

In order to be entitled to any portion of the legislative appropriation for superannuated teachers, every teacher of a high, public, or separate school, and every inspector, must have contributed \$4 annually to the Superannuation Fund during the whole time of his professional service, or have paid all arrears before 1st July, 1886. Should a subscriber neglect to pay his contribution before the 31st December in any year, the payment to be made shall then be \$5. (D.R., s. 84, s-ss. 1, 2.)

163. (1). On the decease of any teacher or inspector, his wife her husband, or other legal representative, shall be entitled to receive back the full amount paid into the superannuation fund by such teacher or inspector, with interest at the rate of seven per cent. per annum.

Repayment to
wife, etc., of
deceased
teacher.

(2). No teacher or inspector who has reached the age of sixty years shall be held to be disqualified from superannuation by reason of his having retired from active service before reaching the age of sixty, provided that such teacher or inspector has served for a period of thirty-five years, and that no payment shall be made to such teacher or inspector until he has reached the age of sixty.

Secs. 163,
164.

A case might happen under this section of a teacher who, although having served thirty-five years, dies before attaining sixty years, and who would, in consequence, not be entitled to share in the fund ; but under the preceding sub-section his wife, or her husband, or other legal representative, would be entitled to receive back the money paid by him or her into the fund, with interest at seven per cent.

Although under sixty years of age, however, if the teacher furnishes proof of disability annually to the Department, he is entitled to share in the fund (s. 165). The retiring allowance is withdrawn whenever the disability ceases. (D.R., s. 84, s-s. 4.)

Right of teacher
to retire on
reaching sixty
years of age.

164. (1). Every teacher or inspector who, while engaged in his profession, contributes to the superannuated teachers' fund as provided by this Act, shall, on reaching the age of sixty years, be entitled to retire from the profession at his discretion, and receive an allowance or pension at the rate of \$6 per annum, for every year of such service in Ontario, upon furnishing to the Education Department satisfactory evidence of good moral character, of his age, and of the length of his service as teacher or inspector.

In the case of inspectors, or local superintendents, who are now inspectors, services as an inspector shall be considered equivalent to services as a teacher. (D.R., s. 84, s-s. 3.)

Teachers or inspectors, sixty years of age, are entitled to superannuation, provided the regulations mentioned under section 162 regarding payment and arrears have been complied with, without proof of disability. In all cases, evidence of good moral character is required. (*Ib.*, s-s. 5.)

Payments on account of superannuation commence

with the year following that in which applications were approved by the Education Department. (*Ib.*, s-s. 6.) Secs. 164,
165, 166.

(2). Every pension payable under this Act may be supplemented out of local funds by any municipal council or Public School board at its pleasure. Supplementary pension.

This is optional, in the discretion of the council or school board.

(3). To remove doubts—nothing in this section contained shall be held as applying to any person who, prior to 1871, had ceased to be engaged in his profession as a teacher, and had not, prior to the 30th day of March, 1885, contributed to the said fund, and no payment for arrears shall be hereafter received. Application of section.

165. Every teacher or inspector, under sixty years of age who has contributed as aforesaid, and who is disabled from practising his profession, shall be entitled to a like pension, or local supplementary allowance, upon furnishing the like evidence, and upon furnishing to the Education Department from time to time, in addition thereto, satisfactory evidence of his being disabled. Teachers under sixty.

“From time to time” means “annually.” (D.R., s. 84, s-s. 3.)

166. Every teacher or inspector entitled to receive an allowance from the superannuated teachers' fund, who holds a first or second-class provincial certificate, or a first-class county \$1 per annum extra to certain teachers.

Secs. 166, 167, 168, 169. board certificate, or who is a principal of a High School or Collegiate Institute, shall, in addition to said allowance or pension, be entitled to receive a further allowance at the rate of \$1 per annum for every year of service while he held such certificate, or while he acted as principal of a High School or Collegiate Institute.

Proviso in regard to good moral character.

167. The retiring allowance shall cease at the close of the year of the death of the recipient, and may be discontinued at any time should the pensioned teacher fail to maintain a good moral character, to be vouched for (when requested) to the satisfaction of the Education Department.

Teacher resuming profession

168. If any pensioned teacher or inspector shall, with the consent of the Education Department, resume the profession of teaching or inspecting, the payment of his allowance shall be suspended from the time of his being so engaged. In case such teacher or inspector is again placed on the superannuation list a pension for the additional time of service shall be allowed him, on his compliance with this Act, and the regulations of the Education Department.

Forfeiture of claims.

169. Any teacher or inspector who, having resumed his profession, draws or continues to draw upon the superannuation fund for any part of his allowance as a superannuated

teacher, shall forfeit all claim to the fund, and his name shall be struck off the list of superannuated teachers. Secs. 169, 170, 171, 172.

170. In the case of those teachers or inspectors who may not avail themselves of the provisions of section 162 or 171 of this Act, the provisions of sections 163 to 171 inclusive shall apply so far as relates to all sums of money already paid into the fund for the support of superannuated teachers. Teachers not availing themselves of Act.

171. Any teacher who retires from the profession, or any teacher or inspector who desires to remove his name from the list of contributors to the superannuated teachers' fund, shall be entitled to receive back from the Minister of Education one-half of any sums paid by him or her to the fund, through the Public School inspector, or otherwise. Repayment to contributors.

NON-RESIDENT PUPILS.

172. (1). The trustees of every Public School shall admit to their school any non-resident pupils who reside nearer such school than the school in their own section, providing always the inspector reports the accommodation of the school room sufficient for the admission of such pupils. In case of dispute as to the distance from the school, the decision of the inspector shall be final. Admission of non-resident pupils.

Two requisites are necessary under this section for the children of a non-resident to attend a school other than the school of the section in which they reside:—(1) There

Sec. 172. must be accommodation, certified to by the inspector, in the school to which such pupils wish to go ; and (2) they must reside nearer to such school than to the school in their own section. In case of any dispute in regard to distance, the decision of the inspector is final.

Fees of non-resident pupils.

(2). The parents or guardians of such non-resident children shall pay to the trustees of the school to which their children have been admitted such fees monthly as may be mutually agreed upon, provided such fees, together with the taxes paid to such school (if any), do not exceed the average cost of the instruction of the pupils of such school.

A resident of one section sending his children to another section.

(3). Any person residing in one school section, and sending his children to a neighboring school, shall, be liable for the payment of all rates assessed on his taxable property for the school purposes of the section in which he resides, but it shall be lawful for any board of trustees to remit so much of the school rates of any such person as would be the equivalent of the fees paid to the trustees of the neighboring section.

Pupils in house of refuge.

(4). In case a county council establishes a house of refuge in any county any person of school age maintained in such house of refuge shall for the purposes of this Act be deemed a non-resident, and the county council shall pay to the trustees of the school attended by such person or persons such monthly fees as may be mutually agreed upon, provided such

fees do not exceed the average cost of the instruction of the pupils of such school. Secs. 172,
173.

As the name indicates, a house of refuge is intended for the poor, the destitute, and the idle. As to the powers of municipal corporations to establish such houses, see *The Consolidated Municipal Act*, s. 460.

HOLIDAYS.

173. (1). The Public School teaching year shall consist of two terms: in townships the first shall begin on the third Monday of August, and end on the 22nd day of December; the second term shall begin on the 3rd day of January, and end on the 30th day of June.

(2). In cities, towns and incorporated villages Terms. the first term shall begin on the last Monday of August, and end on the 22nd day of December; the second term shall begin on the 3rd day of January, and end on the 30th day of June, with holidays during the week following Easter Sunday.

(3). Every Saturday, every public holiday, and every day proclaimed a holiday by the authorities of the municipality in which the school section is situated, shall be a holiday in Public Schools.

As to the payment of teacher's salaries for the authorized holidays occurring during the period of his service, see section 135.

Teachers are forbidden to make up lost time by teaching on a holiday or during vacations; any attendance

Secs. 173, 174, 175. during such time should be disallowed by the inspector.
(D.R., s. 6, s-s. 16.)

AUTHORIZED BOOKS.

Only authorized
text-books to be
used.

174. No teacher shall use or permit to be used as text books any books in a Model or Public School, except such as are authorized by the Education Department, and no portion of the legislative grant shall be paid by the inspector to any school in which unauthorized books are used.

As to the powers of the Education Department to authorize the use of certain text-books, see *The Education Department Act, 1891*, section 4 (2).

Under section 40 (6), the trustees of rural public schools are required to see that the pupils of their schools use only the authorized text-books. And it is also the duty of trustees in cities, towns, and incorporated villages to see that the same thing is done in their schools (s. 107, s-s. 8).

See section 210 (1) as to sale of text-books, etc., by teachers, trustees, or inspectors. And see D.R., s. 83, as to mode of authorizing text-books.

As to text-books now authorized for use in public schools, see Appendix.

Change of text-
book.

175. Any authorized text book in actual use in any Public or Model School may be changed by the teacher of such school for any other authorized text book in the same subject on the written approval of the trustees and the inspector, provided always such change is made at the beginning of a school term, and at least six months after such approval has been given.

176. In case any teacher or other person shall negligently or wilfully substitute any unauthorized text book in place of any authorized text book in actual use upon the same subject in his school, he shall for each such offence, on conviction thereof before a Police Magistrate or Justice of the Peace, be liable to a penalty not exceeding \$10 payable to the municipality for Public School purposes, together with costs, as the Police Magistrate or Justice may think fit.

Secs. 176,
177, 178.

Substitution of
unauthorized
text-books

SPECIAL INQUIRIES.

177. The Minister of Education shall have power to appoint one or more persons, as he may deem expedient, to inquire into and report to him upon any school matter; such inspector or other person or persons shall be entitled to such remuneration out of any moneys appropriated by the Legislature for that purpose as may be deemed just and equitable, considering the nature and extent of the duties to be performed. Such person or persons, or any of them, shall have power to administer oaths to witnesses, or require them to make solemn affirmation of the truth of the matters they may be examined upon.

Remuneration.

Power to com-
missioners to
administer
oaths.

See remarks under section 160, p. 211.

178. In any matter of inquiry which the Minister is by law authorized to institute, make or direct, a writ or writs of subpoena *ad*

Compelling
attendance of
witnesses.

Secs. 178, *testificandum* and also *duces tecum* may issue
 179. from the High Court upon the *præcipe* of the Minister of Education therefor, containing the names of the witnesses intended to be summoned thereby, to be directed to such person or persons for him or them to attend and give evidence under oath, at such times, and places, and before such person or persons as the Minister shall appoint, and any default of any such person in obeying any such subpoena shall be punishable as in the like case in any action or cause in the said Court.

Any number of names may be included in one subpoena (Con. Rule 561); but it is not necessary that the copies served should contain the name of any other witness than the one on whom the copy is served.

A sufficient sum must be paid or tendered to the person so served for his fees as a witness, and if they are not paid he may refuse to attend for examination, or, if attending, may refuse to be sworn, until paid. (*Brocas v. Lloyd*, 23 Beav. 129; *Wiltshire v. Marshall*, W.N., 1866, 80; *Davey v. Durrant*, 24 Beav. 493; *Robins v. Carsons*, 2 Chy. Ch. 343; *Bolkow v. Foster*, 7 P.R. 388; *Smith v. Greey*, 11 P.R. 345.)

If the person so served as above does not attend for examination, he may be committed to jail. (Con. Rule 499.) The defaulting party is entitled to two days' notice of a motion to commit him (Con. Rules 479, 879); which motion should be made in open Court. (*Southwick v. Hare et al.*, 15 P.R. 331.)

APPEALS FROM DIVISION COURT DECISIONS.

Appeals from
Division Courts.

179. The Judge of any Division Court wherein any action between teachers, inspectors, trustees, or others acting under this

Act, or *The High Schools Act*, is tried, may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Minister of Education to appeal the case.

Secs. 179,
180, 181.

Under section 138 all matters of difference between trustees and teachers in regard to salary or other remuneration shall be brought before the Division Court of the district where the cause of action arose, subject to the appeal provided by this and the following sections.

180. The Minister may, within one month after the rendering of judgment in any such case, appeal from the decision of the Division Court Judge to the High Court at Toronto, by serving notice in writing of such appeal upon the clerk of the Division Court appealed from, which appeal shall be entitled "The Minister of Education for Ontario, Appellant, in the matter between (A. B. and C. D.)." But nothing herein contained shall be held to interfere with the right of any of the parties to the action exercising the ordinary right of appeal.

Minister may
appeal to High
Court.

181. The Judge whose decision is thus appealed from, shall thereupon certify under his hand, to the Registrar of the Division of the High Court appealed to, the summons and statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections

Judge to send
papers to High
Court.

**Secs. 181,
182, 183, 184.**

No further pro-
ceedings to be
taken after no-
tice of appeal.

made thereto. After notice of appeal has been served as hereinafter provided no further proceeding shall be had in such case until the matter of appeal has been decided by the High Court.

Judge to certify
proceedings to
the Minister.

182. On the Judge receiving a notice of appeal from his decision (under the authority of this Act), he shall thereupon certify under his hand, to the Minister of Education, the statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections thereto. The High Court shall give such order or direction to the Court below, touching the judgment to be given in the matter, as the circumstances of the case require.

Order of Court.

Proceedings in
Division Court
when appeal
decided.

Upon receipt of such order, direction, and certificate, the Judge of the Division Court shall forthwith proceed in accordance therewith.

Costs.

183. The Court may also in its discretion award costs against the appellant, which costs shall be certified to and form part of the judgment of the Court below. All costs awarded against an appellant, and all costs incurred by him, shall be paid by the Minister, and charged as contingent expense of his office.

SCHOOL VISITORS.

Public school
visitors defined.

184. All judges, members of the Legislature, members of county councils, and alder-

men shall be school visitors in the municipalities where they respectively reside. All clergymen shall be school visitors in the municipalities where they have pastoral charge.

Secs. 184,
185, 186.

See section 131 (4), and remarks thereunder.

185. All school visitors may visit the Public Schools as in this Act provided. They may also attend the examination of schools, and at the time of any such visit, may examine the progress of the pupils, and the state and management of the school, and give such advice to the teacher and pupils, and any others present, as they deem expedient.

Their authority
to visit public
schools.

The advice tendered to teachers, or other comments, may be entered in the visitors' or any other book provided for that purpose, at the option of the visitors.

PENALTIES AND PROHIBITIONS.

186. If any township clerk neglects or refuses to prepare and furnish the map of the school sections of his municipality as required by this Act, or if he neglect for one month to make any return required by this Act, he shall be liable to a penalty not exceeding \$10, to be recovered before a Justice of the Peace, for the school purposes of his municipality, at the instance of any ratepayer thereof.

Information
to County
Clerk.

As to duties of the township clerk to prepare in duplicate a school map of the township section, see section 13. As to his duties in making returns, see ss. 111 and 113.

Secs. 187,
188, 189.

Penalty for
making a false
declaration.

187. No person shall wilfully make a false declaration of his right to vote at any school meeting or election of school trustees; and any person convicted of a contravention of this section, upon the complaint of any person, shall be punishable by fine or imprisonment, at the discretion of the Court of General Sessions; or by a penalty of not less than \$5 or more than \$10 to be sued for and recovered with costs before a Justice of the Peace, by the Public School trustees of the city, town, village, school section, or other division, for its use.

See section 22, and remarks thereunder.

Fine on dis-
qualified person
acting as
trustee.

188. If any person elected as a school trustee attends any meetings of the school board as such, after being disqualified under this Act, he shall be liable to a penalty of \$20 for every meeting so attended.

As to reasons of disqualification, see sections 190, 191.
As to qualification, see ss. 15 and 189.

Trustees not to
hold certain
offices.

189. No trustee of a school section shall hold the office of Public School inspector, or be a master or teacher within the section of which he is a trustee; nor shall the master or teacher of any Public, High, or Separate School hold the office of trustee, nor shall an inspector be a teacher or trustee of any Public, High or Separate School while he holds the office of inspector.

190. Any trustee who is convicted of any felony or misdemeanor, or becomes insane, or absents himself from the meetings of the board for three consecutive months, without being authorized by resolution entered upon its minutes, or ceases to be an actual resident within the school section for which he is a trustee, shall *ipso facto* vacate his seat and the remaining trustee or trustees shall declare his seat vacant and forthwith order a new election.

Secs. 190,
191.

Seat vacated by
conviction for
crime, etc.

It is essential that the seat should be declared vacant by the remaining trustee or trustees. See *Chaplin v. Public School Board of the Town of Woodstock et al.*, 16 O.R. 728, cited under next section.

191. Any trustee who has any pecuniary interest, profit or promise or expected benefit in, or from any contract, agreement or engagement, either in his own name, or in the name of another with the corporation of which he is a member, or who receives, or expects to receive any compensation for any work, engagement, employment or duty, on behalf of such corporation, shall *ipso facto* vacate his seat, and every such contract, agreement, engagement or promise shall be null and void, and on the complaint of the remaining trustee or trustees, the County Judge may declare the seat vacant, and forthwith order a new election, provided always that it shall be lawful for the trustees of any rural school section to allow the secretary or secretary-

Seat vacated by
interest in con-
tract with cor-
poration.

Sec. 191. treasurer such compensation for his services, for the purposes specified in this Act as may be approved at the annual meeting of the ratepayers and duly entered in the minutes.

The object of this section is clearly to prevent all dealings on the part of the trustee corporation with any of its members in their private capacity; or, in other words, to prevent a member of the corporation, who stands in the situation of a trustee for the public, from taking any share or benefit out of the trust fund, or in any contract in the making of which he, as one of the corporation, ought to exercise a superintendence. See *Reg. v. Francis*, 18 Q.B. 526. It is not necessary that the contract should be a contract binding on the corporation. (*Ib.*) As to what interest in a contract with a corporation would cause disqualification, see *Reg. ex rel. Lutz v. Williamson*, 1 P.R. 94; *Reg. ex rel. Moore v. Miller*, 11 Q.B. 465; *Reg. ex rel. Rollo v. Beard*, 1 L.J.N.S. 126; *Reg. ex rel. Fluett v. Gauthier*, 5 P.R. 24; *Reg. ex rel. Piddington v. Riddell*, 4 P.R. 80; *Reg. v. Franklin*, 6 Ir. C.L.R. 239; *Reg. ex rel. Patterson v. Clarke*, 5 P.R. 337; *Reg. ex rel. Coleman v. O'Hare*, 2 P.R. 18; *Reg. ex rel. McLean v. Watson*, 1 L.J.N.S. 71; *Reg. ex rel. Haner v. Roberts*, 7 P.R. 315 (but see *Reg. ex rel. Ford v. McRae*, 5 P.R. 309); *Reg. ex rel. Ferris v. Iler*, 15 L.J.N.S. 158; *Reg. ex rel. Davis v. Carruthers*, 1 P.R. 114 (but see *Royse v. Birley*, L.R. 4 C.P. 296); *Reg. ex rel. Bland v. Figg*, 6 L.J. 44; *Reg. ex rel. McMullen v. DeLisle*, 8 L.J. 291.

As to what interest does not disqualify, see *Reg. ex rel. Armour v. Coste*, 8 L.J. 290; *Reg. ex rel. Hill v. Betts*, 4 P.R. 113.

Whether the contract is in the name of the party himself or another is immaterial. (*Collins v. Swindle*, 6 Chy. 282; *City of Toronto v. Bowes*, 4 Chy. 489; 6 Chy. 1.)

The disqualification does not merely relate to the time of acceptance of office, but to the time of the election. (*Reg. ex rel. Hill v. Betts*, 4 P.R. 113; *Reg. ex rel. Rollo v. Beard*, 1 L.J.N.S. 126.)

Sec. 191.

It is not enough to disqualify a person to show that he is the agent of the person who is really the contractor. Thus, an agent of an insurance company, paid by salary or commission, who, both before and since the election, had, on behalf of his company, effected insurances on several public buildings, the property of the corporation, and who at the time of the election had rented two tenements of his own to the board of school trustees for school purposes, was held not to be disqualified. (*Reg. ex rel. Bugg v. Smith*, 1 L.J.N.S. 129.)

Where any trustee, through being interested in certain contracts with the board of trustees, has *ipso facto* vacated his seat, it does not, under the above section, actually become vacant until the other members of the board have declared it by a formal resolution, properly passed, to have become so vacant; and, until this is done, no remedy will lie by way of injunction to restrain such trustee from filling the seat. *Quo warranto* proceedings remain the only means, under such circumstances, by which the seat can be declared vacant. (*Chaplin v. Public School Board of the Town of Woodstock et al.*, 16 O.R. 728.) See also similar ruling in *Hardwick v. Brown*, L.R. 8 C.P. 406, and cases commented on in above case, *Regina v. Mayor of Hereford*, 2 Salk. 701, and *Rex v. Smith*, 2 M. & S. 583.

Where a school trustee was engaged professionally by the board to examine the pupils attending the school under his control as to the prevalence of an infectious disease among them, and he acted as instructed and rendered an account for his professional services, which the board ordered to be paid, it was held that, notwithstanding he afterwards declined to accept payment, on ascertaining that the law would not allow his receiving a fee, this disqualified him as a trustee and rendered his seat vacant. (*Regina ex rel. Stewart v. Standish*, 6 O.R. 408.) In *Lee v. The Public School Board of the City of Toronto*, 32 C.P. 78, the Public School Board of Toronto had entered into an agreement with and were purchasing during a certain year their stationery and school supplies from a publishing company, of which, at and prior to the time of his election in

Secs. 191, 192, 193. the same year, the plaintiff was a shareholder. He was also a shareholder in certain insurance companies with whom the board had effected insurance, and of The Consumers' Gas Company, which supplied the board with gas. It was held that his position as a shareholder in the several companies did not disqualify him from acting as a trustee of the school board or render his seat vacant, and that he had not entered into any contract by himself or with another with the board.

And a school trustee cannot, even with the consent of his co-trustees, be a contractor for the building of a school-house. (*Lamont v. The School Trustees of Section No. 3, Aldboro*, 5 L.J. 93.)

This section does not, however, apply to the contract of the secretary-treasurer of a board of rural school trustees, who is a member of such board, with his board for compensation for his services, such a contract being allowed by section 33 (3).

Penalty for not calling school meetings.

192. In case any annual or other rural school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give the notice, shall forfeit the sum of \$5 to be sued for and recovered before a Justice of the Peace, by any resident inhabitant in any rural school section, for the use thereof.

See section 18 and section 40 (11).

Penalty for disturbing a school or school meeting.

193. Any person who wilfully disturbs, interrupts, or disquiets the proceedings of any school meeting authorized to be held by this Act, or any one who wilfully interrupts or disquiets any Public School established and conducted under its authority, or other school, by rude or indecent behavior, or by making a

noise either within the place or where such school is kept or held, or so near thereto as to disturb the order or exercises of the school, shall, for each offence, on conviction thereof before a Justice of the Peace, on the oath of one credible witness, forfeit and pay for Public School purposes to the school section, city, town, or village within which the offence was committed, a sum not exceeding \$20 together with the costs of the conviction, as the said Justice may think fit.

Secs. 193,
194, 195, 196.

194. If any person chosen as trustee refuses to serve he shall forfeit the sum of \$5.

Penalty for refusing to serve as trustee.

See remarks under section 26.

195. Every person so chosen who has not refused to accept the office, and who at any time refuses or neglects to perform its duties, shall forfeit the sum of \$20 to be sued for and recovered before a Justice of the Peace, by the trustees of the school section or division, or by any person whatsoever for its use, as authorized by this Act.

Penalty for refusing to perform duties.

But where persons chosen as trustees had left a meeting of the board, refusing to act further while one M—, a member whose seat had become vacant by reason of his having absented himself from three consecutive meetings, continued to sit and vote as a trustee, it was held that such persons could not be convicted for neglect of duty under this section. (*Reg. v. Henderson et al.*, C.P. Divisional Court, December 5th, 1892.)

196. If the trustees of any Public School wilfully neglect or refuse to exercise all the

Penalty for refusing to exercise corporate powers.

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Secs. 196,
197.

corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them, any trustee or trustees so neglecting or refusing to exercise such power shall be held to be personally responsible for the fulfilment of such contract or agreement.

In a case where a mandamus *nisi* was issued to school trustees to levy the amount of a judgment obtained against them, no return was made, and a rule *nisi* for an attachment issued. In answer to this rule, one trustee swore that he always had been and still was desirous to obey the writ, and had repeatedly asked the others to join with him in levying the rate, but that they had refused. Another swore that owing to ill-health, with the consent of his co-trustees and the local superintendent, he had resigned his office before the writ was granted. The court, under these circumstances, discharged the rule *nisi* as against these two on payment of costs of the application, and granted an attachment against the other trustee, who had taken no notice of either the mandamus or rule. (*Reg. v. Trustees of School Section No. 27, Tyendinaga*, 20 Q.B. 528.)

The trustees can only be personally liable when they have wilfully neglected or refused to exercise their corporate powers. (*Kennedy v. Burness*, 15 Q.B. 473; *Kennedy v. Hall*, 7 C.P. 218; *Ranney v. Macklem et al.*, 9 C.P. 192; *Van Buren v. Bull et al.*, 19 Q.B. 633.) But where trustees decline in good faith to exercise their corporate powers on account of any doubt or legal difficulty which they suppose to exist, they are not personally liable. (*Van Buren v. Bull et al.*, 19 Q.B. 633.)

Penalty on
chairman for
neglect.

197. Any chairman who neglects to transmit to the county inspector a minute of the proceedings of an annual or other rural school section meeting over which he has presided,

within ten days after the holding of such meeting shall be liable, on the complaint of any ratepayer, to a fine of not more than \$5 to be recovered as provided by this Act.

Secs. 197,
198, 199.

See section 31.

198. If any trustees of any school section refuse or neglect to take proper security from the secretary-treasurer, or other person to whom they entrust school moneys, they shall be held personally responsible for the moneys.

Liability for
neglect to take
security.

See section 33 (2).

199. If any part of the Public School fund or money is embezzled or lost, through the dishonesty or faithlessness of any trustee, secretary-treasurer, or other person to whom it has been intrusted, and proper security against the loss has not been taken, the person or persons whose duty it was to have exacted the security shall be personally responsible for the sums so embezzled or lost; and such sums may be recovered from him or them by the person entitled to receive the same, by action in any Court having jurisdiction to the amount, or by information at the suit of the Crown.

Responsibility
in case of lost
school moneys.

See section 33 (2).

A school trustee having money in his hands, not as secretary and treasurer of a board, or in any official capacity, cannot be said to embezzle such money, his duty as a trustee not requiring or authorizing him to receive it. (*Ferris v. Irwin*, 10 C.P. 116.)

**Secs. 200,
201.**

Penalty on
secretary-
treasurer or
trustee for
refusing to
account.

200. No secretary-treasurer appointed by the school trustees of any school section, and no person having been such secretary-treasurer, and no trustee or other person who may have in his possession any books, papers, chattels, or moneys, which came into his possession as such secretary-treasurer, trustee or otherwise, shall wrongfully withhold, or neglect or refuse to deliver up, or account for, and pay over the same or any part thereof to the person, and in the manner directed by a majority of the school trustees for the school section then in office, or by other competent authority; and such withholding, neglect or refusal to deliver up or account for, shall be punishable, as provided in the three following sections of this Act.

Mode of
proceeding.

201. (1). Upon application to the Judge of the County Court, by a majority of the trustees, or any two ratepayers in a school section supported by their affidavit made before some Justice of the Peace, of such wrongful withholding or refusal, the Judge shall make an order that such secretary-treasurer, or person having been such secretary-treasurer or trustee, or other person, do appear before him at a time and place to be appointed in the order.

(2). Any bailiff of a Division Court, upon being required by the Judge, shall serve the order personally on the person complained

against, or leave the same with a grown-up person at his residence.

Secs. 201,
202, 203.

202. At the time and place so appointed, the Judge being satisfied that service has been made, shall, in a summary manner, and whether the person complained of does or does not appear, hear the complaint, and if he is of opinion that the complaint is well founded, the Judge shall order the person complained of to deliver up, account for, and pay over the books, papers, chattels, or moneys as aforesaid, by a certain day to be named by the Judge in the order, together with such reasonable costs incurred in making the application as the Judge may tax.

Judge to issue
order.

203. In the event of non-compliance with the terms specified in such order, or any or either of them, the Judge shall order the said person to be forthwith arrested by the sheriff of any county in which he may be found, and to be committed to the common gaol of his county, there to remain without bail until the Judge be satisfied that the person has delivered up, accounted for, or paid over the books, papers, chattels or moneys in question, in the manner directed by the majority of the trustees, or other competent authority as aforesaid; upon proof of his having so done, the Judge shall make an order for his discharge, and he shall be discharged accordingly.

Effect of non-
compliance
with judge's
order.

Secs. 204,
205, 206.

Other remedy
not affected.

204. No such proceeding shall impair or affect any other remedy which the said trustees, or other competent authority, may have against the secretary-treasurer, or person having been such secretary-treasurer or his sureties, or against any trustee or other person as aforesaid.

Penalty on
trustees refusing
information,
etc., to auditor.

205. The trustees, or their secretary-treasurer in their behalf, shall not refuse to furnish the auditors of any accounts of a rural school section, or either of them, with any papers or information in their power, and which may be required of them relative to their school accounts, and any contravention of this section upon prosecution therefor by either of the auditors, or any ratepayer, shall be punished by fine or imprisonment, as provided by this Act.

See section 37 (2).

Penalty for
neglect to send
half-yearly
returns.

206. In case the trustees of any rural school section neglect to transmit to the county inspector, on or before the 30th day of June, and the 31st day of December in every year, a correct and verified statement of the average attendance of pupils in each of the schools under their charge during the six months then immediately preceding, then the school section shall not be entitled to the apportionment from the school fund for the said six months, and the trustees so neglect-

ing shall be personally responsible for the amount of the loss of such apportionment. Secs. 206, 207, 208.

See section 40 (2).

207. In case the trustees of any school section neglect to prepare and forward the aforesaid annual report to their county inspector by the 15th day of January in every year, each of them shall, for every week after such 15th day of January, and until such report has been prepared and presented, forfeit the sum of \$5 to be sued for by the county inspector, and collected and applied in the manner provided for by this Act. Penalty for delaying yearly report.

See section 40 (13).

208. (1). If any trustee of a Public School knowingly signs a false report, or if any teacher of a Public School keeps a false school register, or makes a false return, with the view of obtaining a larger sum than the just proportion of school moneys coming to such school, the trustee or teacher shall, for every offence, forfeit to the Public School fund of the *municipality* the sum of \$20 for which any person whatever may prosecute him before a Justice of the Peace, and the trustee or teacher may be convicted on the oath of one credible witness other than the prosecutor. Penalty for false school reports and registers.

See section 40 (13), and section 131 (2) and (9).

(2). If upon conviction, the penalty is not forthwith paid, the same shall, under the Recovery by distress

Secs. 208, 209, 210. warrant of the Justice, be levied with costs by distress and sale of the goods and chattels of the offender.

Application of penalty.

(3). The penalty, when so paid and collected, shall by the Justice be paid over to the said Public School fund.

Trustees personally responsible for moneys lost.

209. (1). The trustees of every school section shall be personally responsible for the amount of any school moneys forfeited by or lost to the school section in consequence of the neglect of duty of the trustees during their continuance in office.

(2). The amount thus forfeited or lost shall be collected and applied in the manner provided for by this Act.

GENERAL PROHIBITIONS.

No inspector, trustee, teacher, etc., to act as agent for the sale of books, maps, etc.

210. (1). No teacher, trustee, inspector, or other person officially connected with the Education Department, the Normal, Model, Public, or High Schools or Collegiate Institutes, shall become or act as agent for any person or persons to sell, or in any way to promote the sale for such person or persons, of any school, library, prize or text-book, map, chart, school apparatus, furniture or stationery, or to receive compensation or other remuneration or equivalent for such sale, or for the promotion of sale in any way whatsoever.

Refusal to give up key, etc.

(2). Any teacher who refuses to give up possession of any visitor's book, school register,

schoolhouse key or any other school property in his possession shall not be deemed a qualified teacher until restitution is made, and shall also forfeit any claim which he may have against the said trustees. Secs 210,
211.

It is the duty of the teacher to deliver up the school registers and keys on the demand or order of the majority of the trustees employing him (s. 131, s-s. 6).

HOW FINES AND PENALTIES MAY BE RECOVERED.

211. (1). Unless it is in this Act otherwise provided, all fines, penalties, and forfeitures recoverable by summary proceedings, may be sued for, recovered, and enforced with costs, by and before any Police Magistrate or Justice of the Peace having jurisdiction within the school section, city, town, or village in which such fine or penalty has been incurred. How penalties
under this Act
shall be
recoverable.

(2). If the fine or penalty and costs are not forthwith paid, the same shall, by and under the warrant of the convicting Justice, be enforced, levied and collected with costs, by distress and sale of the goods and chattels of the offender, and shall be by the Police Magistrate or Justice paid over to the school treasurer of the school section, city, town, or village, or other party entitled thereto.

(3). In default of such distress, the Police Magistrate or Justice shall, by his warrant, cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs, and the reasonable expenses of

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Secs. 211, 212, 213. endeavoring to collect the same, are sooner paid.

CONFIRMING AND SAVING CLAUSES.

School lands
granted before
1850 vested in
trustees for
school purposes.

212. All lands which previous to the 24th day of July, 1850, were granted, devised or otherwise conveyed to any person or persons in trust for common school purposes, and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in the Public School trustees of the school section or division in which such lands are respectively situate, shall continue vested in such trustees, and shall continue to be held by said trustees and their successors upon the like trusts and subject to the same conditions and estates upon or subject to which the said lands are now respectively held.

Law as to
Roman Catholic
separate schools
not affected.

213. Chapter 225 of the Revised Statutes of Ontario, 1887, and Chapter 51 of the Statutes passed in the 52nd year of Her Majesty's reign, are hereby repealed, but such repeal shall not in any manner or for any purpose be deemed or taken to alter, vary, affect or repeal any provision of law relating to Roman Catholic Separate Schools or the supporters thereof.



AN ACT RESPECTING TRUANCY AND COMPULSORY SCHOOL ATTENDANCE.

54 Victoria, Chapter 56.

HER MAJESTY, by and with the advice
and consent of the Legislative Assembly
of the Province of Ontario, enacts as follows:—

1. Where the words following occur in this Interpretation.
Act they shall be construed in the manner
hereinafter mentioned, unless a contrary in-
tention appears.

(1). "School" shall mean a Public, Sepa- "School."
rate, or Private School, at which instruction is
given regularly in reading, spelling, writing,
grammar, geography and arithmetic.

(2). "Inspector" shall mean an inspector "Inspector."
of Public or Separate Schools.

(3). "Principal" shall mean the head "Principal."
teacher of any Public, Separate, or Private
School.

Secs. 2, 3.

Children from
eight to fourteen
to attend school.

2. All children between eight and fourteen years of age, shall attend school for the full term during which the school of the section or municipality in which they reside is open each year, unless excused for the reasons hereinafter mentioned, and if the parents or guardians having legal charge of such children shall fail to send them to school regularly for said full term, or if such children shall absent themselves from school without satisfactory excuse, such parents, guardians and children shall be subject to the provisions and penalties of section 10 of this Act.

A statute compelling children under fourteen years of age to attend school a certain length of time each year is not unconstitutional on the ground that it interferes with the parents' authority and right to direct as to the education of their children. (*Quigley v. State*, 5 Ohio C.C. 638.)

The reasons excusing children from attendance at school under this section are set out in section 4 hereof. Persons with whom children under fourteen years of age reside are subject to the same duties with regard to instruction as parents are under the above section, and are also liable to the penalties prescribed by sections 9 and 10 of this Act. See next section.

Where any proceedings are taken against a parent or guardian under the provisions of this Act for the non-attendance of his child at school, it lies on such parent or guardian to prove that such child is not of the age he is alleged to be (s. 18).

Duty of persons
with whom
children reside.

3. Any person who receives into his house a child of any other person, under the age of fourteen years, and who is resident with him or in his care or legal custody, shall be deemed

thereby to be subject to the same duty with respect to the instruction of such child during such residence as a parent, and shall be liable to be proceeded against as in the case of a parent, if he should fail to cause such child to be instructed as required by this Act; but the duty of the parent under this Act shall not thereby be affected or diminished and shall continue in full force. Secs. 3, 4.

4. No parent, guardian or other person shall be liable to any of the penalties of this Act in respect of any child: Exceptions.

(1). If the child is under efficient instruction at home or elsewhere;

(2). If the child is unable to attend school by reason of sickness or other unavoidable cause;

(3). If there is no school within two miles, measured by the nearest road from such child's residence, if such child is under 10 years of age, or within three miles if over this age;

(4). If there is no accommodation in the school which the child has the right to attend;

(5). If the child has been excused, as hereinafter provided, from attending school by a Justice of the Peace, or by the Principal of the school which such child is entitled to attend;

(6). If the child has passed the entrance

Secs. 4. 5. examination for High Schools prescribed by the Education Department.

Under the (English) *Elementary Education Act, 1870*, it is declared that "any of the following reasons shall be a reasonable excuse" for the non-attendance of a child between the ages of five and thirteen years at school, namely: "That the child is under efficient instruction in some other manner; that the child has been prevented from attending school by sickness or any unavoidable cause; that there is no public elementary school open which the child could attend within two miles from the residence of such child." And where it was shown that the non-attendance was caused by the child, a girl aged twelve, with fair elementary instruction, having been in respectable employment, earning wages, which she gave to her parents, who were poor, industrious, and respectable people, and applied them to the support of their other children, whom otherwise, from no fault of the parents, they would have been unable sufficiently to support, it was held that these facts constituted a "reasonable excuse" for non-attendance. (*London School Board v. Duggan*, 13 Q.B.D. 176; 53 L.J.M.C. 104; see also *Belher School Board v. Bailey*, 9 Q.B.D. 259; 51 L.J.M.C. 91; 45 J.P. 438.)

The fact that a child is a Roman Catholic is also a reason which will excuse the attendance of such child at a public school (s. 19). And *vice versa*.

Employment
of children
during school
hours pro-
hibited.

Penalty.

5. (1). Subject to the provisions of the preceding section no child under the age of fourteen years shall be employed by any person, during school hours while the Public School of the section or municipality in which the child resides is in session, and any person employing any child contrary to the provisions of this section, shall be liable to a penalty of twenty dollars for each offence.

(2). Where in the opinion of any Justice of the Peace or of the Principal of the school attended by any child the services of such child are required in husbandry or in urgent and necessary household duties, or for the necessary maintenance of such child or of some person dependent upon him, such Justice of the Peace or Principal may, by certificate setting forth the reasons therefor, relieve such child from attendance at school for any period not exceeding six weeks during each Public School term.

Secs. 5, 6, 7.
When justice of the peace or principal may relieve child from attendance.

6. Any child between eight and fourteen years of age, who has been expelled from school for vicious, and immoral conduct, may on the same being proven before the proper Court, be sent to an Industrial School as the Court in its discretion may deem expedient, subject to the provisions of the *Act respecting Industrial Schools*.

Certain children may be sent to industrial schools.

7. (1). The police commissioners, or, in cases where there are no police commissioners, the municipal council, of every city, town and incorporated village shall appoint one or more persons to act as truant officers for the enforcement of this Act. The truant officer shall, for the purposes of this Act, be vested with police powers, and shall have authority to enter factories, workshops, stores and all other places where children may be employed, and shall perform such services as

Appointment and regulation of truant officers.

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Secs. 7, 8. may be deemed necessary for the enforcement of this Act.

(2). In townships the trustees of each school section may appoint a truant officer, who shall have the same power and perform similar duties as truant officers in cities, towns and incorporated villages.

(3). Any board of police commissioners or any municipal council or board of trustees having authority to appoint a truant officer shall also have authority to make such regulations for his direction in the enforcement of this Act as they may deem expedient, provided such regulations are not inconsistent with any of the provisions of this Act, and are approved by the Education Department.

(4). Notice of all appointments made under this section shall be given to the inspector or inspectors within whose district such truant officers have jurisdiction and to the trustees of the municipality. Every truant officer shall report annually to the Education Department according to the forms prescribed by the Minister of Education.

Duties of truant officers.

8. It shall be the duty of truant officers to examine into all cases of truancy when any such come before their notice, or when requested to do so by the inspector of schools, or by any school trustee, or by any ratepayer, and to warn such truants, their parents or

guardians, in writing, of the consequences of truancy if persisted in; and also to notify the parent, guardian or other person having the charge or control of any child between eight and fourteen years of age when such child is not attending school as required by this Act, and to require such parent, guardian or other person to cause the child to attend some school within five days from said notice. Secs. 8, 9.

If a truant officer neglects to perform above duties, he is liable to a fine of not less than \$25, nor more than \$50, for each and every offence. See section 15.

For form of notice to truant, parent, or guardian, see *Form 55*, Appendix A.

As to proper service of this notice, see section 14.

9. If the parent, guardian or other person having the legal charge or control of any child, shall neglect, or refuse to cause such child to attend some school after being notified as herein required (unless such child has been excused from such attendance as provided by this Act), the truant officer shall make, or cause to be made, a complaint against such parent, guardian or other person, before any Police Magistrate or Justice of the Peace having jurisdiction in the municipality in which the offence occurred, and upon conviction of such refusal or neglect, such parent, guardian, or other person, shall be liable to a fine of not less than five dollars nor more than twenty dollars, or the court may, in its discretion require persons so convicted to give bonds in

Conviction and
penalty for vio-
lation of Act.

Secs. 9, 10. the penal sum of one hundred dollars, with one or more sureties to be approved by said Court, conditioned that the persons so convicted shall cause the child or children under their legal charge or control to attend some school within five days thereafter, and to remain at school as required by this Act.

See *Thompson v. Rose*, 61 L.J.M.C. 26; 65 L.T. 851.

Truant officers
to institute pro-
ceedings.

10. It shall be the duty of the truant officers appointed under this Act to institute, or cause to be instituted, proceedings against any parent, guardian or other persons having legal control or charge of any child, or against any corporation, or against any child violating any of the provisions of this Act. No complaint shall be entertained for any violation of this Act, unless it appears to the satisfaction of the Court that the alleged defender was duly warned in writing of the consequences of his offence by the truant officer.

A proviso in a statute making it the duty of certain officers to cause proceedings to be instituted for the violations of its provisions requiring the attendance of children at school a certain portion of each year, that the law shall not apply in any school district where there is not sufficient seating accommodation for children required to attend, exempts such officers from the performance of that duty if the seating capacity is insufficient for those desiring to attend, and not only when it is insufficient for all who might of right attend, including those attending private or parochial schools. (*Quigley v. State*, 5 Ohio C.C. 638.)

No complaint can be entertained under this Act until the notice required by section 8 has been given to the offender.

See section 15 as to penalty for neglect of the duty pre-Secs. 11, 12.
scribed by this section.

11. The assessors of every municipality shall annually, when making their assessment, enter in a book, to be provided by the clerk of the municipality, in the Form A, in the schedule to this Act, the name, age and residence of every child between the age of eight and fourteen years, resident in the municipality, and the name and residence of such child's parent or guardian and return the said book to the clerk of the municipality with the assessment roll for the use of the truant officer.

Assessors to
make annual
list of children
of school age.

For Form A referred to in above section, see *Form 56*,
Appendix A.

12. It shall be the duty of the trustees of every school to report to the truant officer of the municipality in which their school is situated, the name, age and residence of all pupils on the school register, who have not attended school as required by this Act, together with such other information as said officer may require, for carrying out the provisions of this Act. Such reports shall be made in the last week of June and December in each year; and it shall be the further duty of the trustees to report forthwith to the truant officer all cases of truancy or expulsion in their respective schools.

Principals to re-
port to truant
officer.

If the trustees neglect the duty laid on them by above

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250 TRUANCY AND COMPULSORY ATTENDANCE.

Secs. 12, 13, section, they will be liable to the penalty mentioned in
14. section 15.

For form of notice of truant children, see *Form 57*,
Appendix A.

Violations of
Act by corpora-
tions.

13. When any of the provisions of this Act are violated by a corporation, proceedings may be had against any of the officers or agents of the corporation, who in any way participate in such violation by the corporation of which they are the officers or agents, and such officers or agents shall be subject to the same penalties as individuals similarly offending.

Service of
notices by
truant officers.

14. Any notice or warning required or authorized to be given by a truant officer, for the purposes of this Act may be given by delivering the same to or at the residence of the person to whom it is to be given, or in the case of a company or corporation by delivering the same, or a true copy thereof, to any agent or person employed by such company or corporation; it may also be given by post by a prepaid letter, and if given by post shall be deemed to have been given and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such sending, it shall be sufficient to prove that it was properly addressed and put into the post; and where it is required to be sent to any company or corporation it shall be deemed to be properly addressed if addressed to any office

or agency of such company or corporation, Secs. 14, 15, 16, 17.
with the addition of the proper postal address.

15. Any person or officer mentioned in this Act, and designated as having certain duties to perform in the enforcement of any of its provisions, neglecting to perform any such duties, shall be liable to a fine of not less than \$25 nor more than \$50 for each and every offence. Penalty for neglecting to enforce the Act.

16. All prosecutions under this Act may be brought and heard before any of Her Majesty's Justices of the Peace in and for the county where the penalty was incurred or the offence was committed or wrong done, and in cities and towns, in which there is a police magistrate, before such police magistrate; and save where otherwise provided by this Act the procedure shall be governed by *The Act respecting Summary Convictions before Justices of the Peace and Appeals to General Sessions*. Prosecutions. Rev. Stat., c. 74.

For text of Act, see Appendix.

17. A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a Court of summary jurisdiction against which a person is authorized by this Act to appeal, shall not be removed by *certiorari* or otherwise, either at the instance of the Crown or of any private person, into the High Court Convictions not to be quashed for informality.

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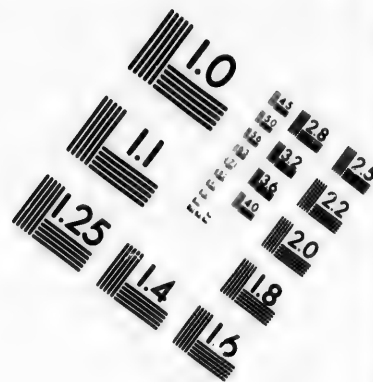
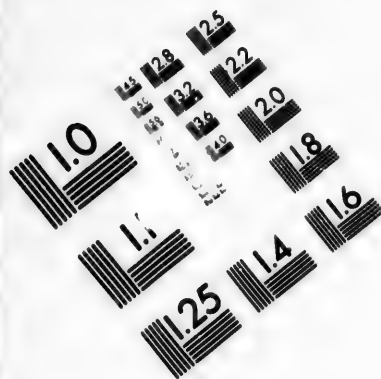
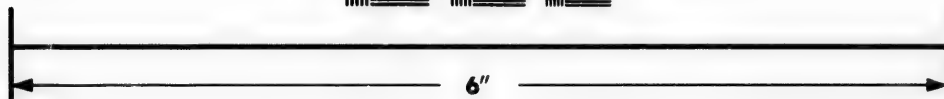
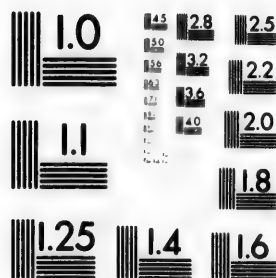


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Secs. 17, 18, 19, 20. except for the purpose of the hearing and determination of a special case.

Onus of proof of age of child.

18. With respect to proceedings for any offence or penalty under the provisions of this Act, where a child is apparently of the age alleged, for the purpose of such proceeding it shall lie with the defendant to prove that the child is not of such age.

Persons not compelled to attend public or separate schools.

19. Nothing herein shall be held to require any Roman Catholic to attend a Public School, or to require a Protestant to attend a Roman Catholic Separate School. There shall be no penalty in respect of the absence of any child from school on any day regarded as a holy day by the church or religious denomination to which such child belongs.

Commencement of Act.

20. This Act shall not come into force until the 1st day of July, 1891.



THE HIGH SCHOOLS ACT, 1891.

54 Victoria, Chapter 57.

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AN ACT CONSOLIDATING AND REVISING THE HIGH SCHOOLS ACT.

This Act is the final revision of the many Acts and amendments thereto heretofore passed respecting high schools.

Previous to the year 1854, no separate legislative enactments were passed respecting high, or, as they were then called, grammar schools, but in that year separate legislation respecting their establishment and management went into effect. See 16 Vict., c. 186.

HER MAJESTY, by and with the advice
and consent of the Legislative Assembly
of the Province of Ontario, enacts as follows:—

GENERAL.

1. This Act may be cited as "*The High Schools Act, 1891.*" Short title.

See remarks under section 1 of *The Public Schools Act, 1891.*

2. Where the words following occur in this Interpretation.
Act they shall be construed in the manner

Sec. 2. hereinafter mentioned, unless a contrary intention appears.

See remarks under section 2 of *The Public Schools Act, 1891*.

"High
Schools."

(1). "High Schools" shall include Collegiate Institutes, unless a contrary meaning appears.

Previous to the 15th February, 1871, high schools were designated and known as "Grammar Schools," but by 34 Vict., c. 33, s. 34, the term "High School" was introduced.

"Municipality."

(2). "Municipality" shall mean a city, town, incorporated village or township, but shall not mean a county;

"County."

(3). "County" shall also include counties united for municipal purposes.

"District."

(4). "District" shall mean the municipalities and parts of municipalities over which the High School board of trustees has jurisdiction as a corporation;

"County
pupils."

(5). "County pupils" shall mean pupils whose parents or guardians reside in the county in which the High School attended by such pupils is situated, but not within the limits of any High School district of such county;

"Resident
pupils."

(6). "Resident pupils" shall mean pupils whose parents or guardians reside in the district in which the High School attended

by such pupils is situated, *or whose parents or guardians are assessed for an amount equal to the average amount of resident ratepayers of the district.*

Sec. 2.

The words in italics indicate the amendment made to above sub-section by 56 Vict., c. 52, s. 1.

The amendment does not, however, affect any action now pending in any Court of this Province with respect to any question raised under this Act previous to the coming into force of the amendment. (56 Vict., c. 52, s. 5.)

(7). "Non-resident pupils" shall mean (a) ^{"Non-resident pupils."} pupils whose parents or guardians do not reside in the county, city or town separated from the county in which the High School attended by such pupils is situated; or (b) pupils whose parents or guardians reside in a High School district of the county other than the district in which the High School attended by such pupil is situated.

(8). "Permanent improvements" shall ^{"Permanent improvements."} mean such expenditure as may be necessary for the purchase or rental of a residence for the teacher or for the purchase or rental of a school site and the erecting or rental of a schoolhouse, or for the enlargement of both or either of them, or for permanently changing the system of heating and ventilation, the erection of fences, outhouses and gymnasium, or for the purchase of school furniture, maps and apparatus, library, and all other appliances required by the Regula-

Secs. 2, 3. tions of the Education Department for High Schools.

The clearing of land necessary for any of above purposes might come under the head of "Permanent improvements." See *Robinet v. Pickering*, 44 Q.B. 337.

"Maintenance."

(9). "Maintenance" shall mean such expenditure as may be necessary for ordinary repairs in the teacher's residence or for the improvement of the grounds attached thereto, and for the salaries of teachers, officers and servants of the board and for conducting the entrance examination prescribed by this Act and for repairs to school buildings, outhouses, gymnasium, and fences and for the improvement of the school grounds, the repair of school furniture, and sundry expenses for ordinary school purposes and such annual additions to the library, apparatus, and other school appliances as may be required by the Regulations of the Education Department for High Schools.

See *The Niagara School Board*, 1 A.R. 288, and *Re Oakwood and the Township of Mariposa*, 16 A.R. 87.

Trustees to be a corporation.

3. The trustees of every High School district shall be a corporation, by the name of "The — High School Board," (prefixing to the term "High School," or "Collegiate Institute," the name of the municipality within which such High School or Collegiate Institute is situated), and shall have and possess all the powers usually enjoyed by corporations, so

far as the same are necessary for carrying out the purposes of this Act. The trustees of every High School shall hold office until their successors are appointed and the new board is organized. Secs. 3, 4.

See remarks under section 7 of *The Public Schools Act, 1891* (*ante*, p. 18).

UNION OF PUBLIC AND HIGH SCHOOL BOARDS.

4. (1). The union of the trustees of any Public and High School for the joint management of the Public and High Schools of any municipality shall form one corporation under the name of "The Board of Education" for the city, town, incorporated village or township of — (as the case may be). Such board shall have the powers of trustees of both Public and High School trustees. A majority shall form a quorum. Boards of education.

See remarks under section 8 (1) of *The Public Schools Act, 1891* (*ante*, p. 20).

(2). If at any meeting of a board of education called for that purpose a majority of all the members thereof, vote in favor of the dissolution of the board such board shall be dissolved on and after the close of the current year. Dissolution of boards.

This sub-section differs somewhat from the corresponding sub-section of section 8 of *The Public Schools Act, 1891*. The latter sub-section makes the additional provisions that the board may be dissolved on a two-thirds vote of the high school trustees, or a two-thirds vote of the public school trustees.

Secs. 4, 5.

Members of
board for high
school to be
high school
trustees.

(3). In case any board of education is dissolved, the members of such board of education who were appointed on behalf of the High School shall be the board of trustees for such High School, to hold office the full term of their appointment or until changed according to the provisions of this Act.

Division of
property at
dissolution.

(4). In the case of such dissolution as aforesaid all school property held by the corporation for High School purposes shall be vested in the High School board of trustees, subject to any trust for Public School purposes attached thereto; and any other property held or possessed jointly by the corporation before dissolution shall be divided as may be agreed upon by the trustees of the High School and Public School respectively at a meeting called for that purpose. If no division is made within six months, then the division shall be made forthwith by the council of the municipality within which the High School is situated.

Union of public
and high schools
hereafter
unlawful.

(5). It shall not be lawful for the trustees of any High School to unite hereafter with the trustees of any Public School to form a board of education.

This section, and the sub-sections thereof, are materially the same as section 8, and the sub-sections thereof, of *The Public Schools Act, 1891* (*ante* p. 19, *et seq.*).

Existing high
school organiza-
tions continued.

5. All appointments, agreements, contracts, assessments, and rate-bills, heretofore duly

made in relation to High Schools existing at the passing of this Act, and all powers and duties connected therewith, shall continue in full force and effect, subject to the provisions of this Act. Secs. 5, 6.

HIGH SCHOOL DISTRICTS.

6. (1). All High School districts in existence on the passing of this Act shall remain as then constituted until changed by the municipal council of the county by which they were established, or until altered as is hereinafter provided, but nothing herein contained shall be construed as interfering with any suit or action now pending before any court of competent jurisdiction in which the validity of any High School district is called in question. High school districts continued.

It was decided under section 40 of 34 Vict., c. 33, which provided that all high school districts existing at the time of the passing of that statute should continue as such *until otherwise altered by by-law of the county council*, that such council had impliedly the power, from time to time, to change the limits of a high school district, and not merely to do so once, or when an additional school was established. (*Re William Tyrell and The Corporation of the County of York*, 35 Q.B. 247.)

(2). Where prior to the first day of January, 1878, the municipal council of any county did by by-law set apart and constitute any portion of the county as a separate district for High School purposes, the by-law, if not heretofore set aside, repealed, or quashed by any lawful authority in that behalf shall, to all intents By-laws setting apart portions of counties for high school purposes.

Secs. 6, 7. and for all purposes be considered and taken as valid, legal and binding, and the High School districts thereby constituted or intended to be constituted, shall also for all purposes be deemed, and taken as having been lawfully and validly constituted.

The repeal of a by-law can operate only prospectively, and cannot disturb rights which have been acquired under it. (*Re Wolverton and the Townships of North and South Grimsby*, 3 O.R., at p. 297.)

Right of appeal
in certain cases
revived.

(3). Any right of appeal from any Judge of the High Court of Justice or from a Divisional Court of the said High Court which any party or corporation had on the seventh day of April, 1890, with regard to the validity of any by-law establishing a High School district is hereby revived.

Union of por-
tions of muni-
cipalities for
high school
purposes.

7. (1). On the petition of two-thirds of the ratepayers of any municipality contiguous to a High School district, or, on the petition of two-thirds of the ratepayers of any portion of a municipality contiguous to a High School district, the municipal council of such municipality shall, by by-law, unite the whole, or such portion thereof as is set forth in the said petition, to such High School district for High School purposes, and such union shall take effect on the first of January next following the lapse of six months after the adoption of such by-law.

Reading this sub-section with the following, its effect is

Sec. 7.

to give power to the council of any municipality to unite by by-law the whole or any portion thereof to an adjoining high school district, without its being necessary for the municipality or municipalities composing such high school district to pass any by-law assenting to such union; and also power to withdraw from such high school district without the concurrence, in the form of a by-law, of the other municipality or municipalities composing such high school district. The union or withdrawal cannot, of course, take effect unless the provisions of this section are strictly complied with by the municipality uniting with, or withdrawing from, the high school district.

Formerly, such union or withdrawal would have required the passing, on the petition of two-thirds of its or their ratepayers, of a by-law by both the municipalities uniting or withdrawing for such union or withdrawal, and the other municipality or municipalities forming the high school district assenting to such union or withdrawal. See *Re Wolverton and the Townships of North and South Grimsby*, 3 O.R. 293.

(2). In like manner and on like petition any municipality or any portion thereof forming part of a High School district, may withdraw from such High School district without the concurrence or any other act on the part of the other municipality or municipalities composing the High School district, but any by-law for such withdrawal shall not come into operation until the first day of January next following the lapse of six months from the passing thereof, and such withdrawal shall not relieve the municipality or any portion thereof so withdrawn from any rates legally imposed for the issue of debentures or from any other debts incurred while such municipality or part

Withdrawal
from union.

Secs. 7, 8. thereof was attached to such High School district.

See remarks under previous sub-section.

Certificate of clerk to be evidence as to number of ratepayers.

(3). The certificate of the clerk of the municipality with respect to the number of ratepayers in such municipality, or part thereof to which the petition heretofore mentioned is intended to refer, shall be final and conclusive.

NEW HIGH SCHOOLS.

Establishment and discontinuance of high schools.

8. (1). On or before the first of July in any year, the municipal council of any county may, subject to approval by the Lieutenant-Governor in Council, pass a by-law for the establishment of a new High School in any municipality, containing not fewer than one thousand inhabitants, according to the last municipal census, and the municipal council of any county may in like manner discontinue, at the end of the current calendar year, any High School already established.

The Consolidated Municipal Act, 1892, gives the council of any county, city, and town separated from the county for municipal purposes power to pass by-laws "for establishing high schools and appointing high school trustees, subject to *The High Schools Act*, and for obtaining in such part of the county, or of any city or town separated within the county, as the wants of the people may most require, the real property requisite for erecting high school houses thereon, and for other high school purposes, and for preserving, improving, and repairing such schoolhouses, and for disposing of such property when no longer required." (55 Vict., c. 42, s. 495, s-s. 5.)

(2). Where it is proposed to form a High School district to be composed of more municipalities than one, the county council may pass a by-law for the establishment of a High School in any incorporated village, although containing less than one thousand inhabitants, within the proposed district, but such by-law shall not be operative until it is shown to the satisfaction of the Lieutenant-Governor in Council that the adjoining municipalities have passed by-laws as provided by section 7 of this Act, for uniting with such incorporated village so as to constitute a district containing at least 3,000 inhabitants according to the last Dominion census.

Secs. 8, 9.

In cities.

See remarks under previous sub-section.

(3). The municipal council of a city may establish as many High Schools in such city as it may deem expedient, subject to the approval of the Lieutenant-Governor in Council.

9. (1). In every High School, instruction shall be given in the higher branches of a practical English and commercial education; the natural sciences, with special reference to agriculture; the elements of mathematics and physics, and the Latin, Greek, French and German languages, so far as to prepare students for matriculation into the University of Toronto.

Instruction to be given in high schools.

The course of study is prescribed by sections 17 to 20 of the Departmental Regulations.

**Secs. 9, 10,
11.**

**Preparatory
classes
abolished.**

(2). Preparatory schools or classes shall be abolished on and after the 1st of January next ensuing after the passage of this Act.

**Collegiate in-
stitute, how
constituted.**

10. On the report of the Minister of Education, and subject to the regulations of the Education Department, any High School having (1) suitable school buildings, out-buildings, grounds and appliances for physical training; (2) a library, containing standard books of reference in the subjects of the High School curriculum; (3) a laboratory, with the necessary chemicals, and apparatus for teaching the elements of the sciences; (4) a staff of at least, five teachers; four being specialists one in each of the following departments: Classics, Mathematics, Natural Science, Modern Languages, including English, and any one of the staff being a specialist in the Commercial Department; (5) such other assistants as will secure thorough instruction in all the subjects on the curriculum of studies approved by the Education Department for Collegiate Institutes; may be constituted a Collegiate Institute by order of the Lieutenant-Governor in Council.

The Rules of the Education Department applying to high schools also apply to collegiate institutes. See D.R., ss. 12 to 29.

TRUSTEES.

**Number and
appointment of
high school
trustees.**

11. Every High School corporation shall consist of at least six trustees. In the case of High Schools situated in any municipality

within the jurisdiction of the county, three of such trustees shall be appointed by the county council, and additional trustees shall be appointed by the municipalities composing the High School district as follows, that is to say:—

A member of the municipal council of the municipality or county in which a high school is situated is not qualified to serve as a trustee for such high school (s. 12, s-s. 2), nor can any high school trustee be a member of the county council. (52 Vict., c. 36, s. 4; 55 Vict., c. 42, s. 77, s-s. 1.)

The appointment of the trustees must be by by-law. (*Dawson v. The Corporation of the Town of Sault Ste. Marie, et al.*, 18 O.R. 556.)

(1). Where a High School district is composed of one municipality the municipal council thereof shall appoint three additional trustees; where a High School district is composed of two municipalities, each municipality shall appoint two additional trustees; and where a district is composed of more than two municipalities, each municipality shall appoint one additional trustee. Any portion of a municipality assessed for \$50,000, included in a High School district, shall be considered a municipality for the purposes of this section. In every case one of the trustees appointed by the county council and one trustee in each municipality composing the High School district shall retire each year.

(2). Where a High School district is composed of a county, the county council shall

Sec. 11. appoint six trustees for such district, two of whom shall retire every year.

(3). In cities and in towns separated from the county, the municipal council thereof shall appoint six trustees for each of the High Schools of such city or town; where the High Schools in a city do not exceed three in number the municipal council shall appoint six trustees for each High School, and the trustees so appointed shall, with such additional trustees as are authorized by this Act, form one corporation. The municipal council of every city and town shall, by by-law, provide for the annual retirement of so many of the trustees appointed by the council as shall secure a complete rotation every three years.

See sub-section 6 as to the appointment of a trustee by public school trustees.

(4). Where the trustees of any High School situated in a city or in a town separated from the county, notify the county clerk that such High School is open to county pupils on the same terms as High Schools in the municipalities not separated from the county, the county council may, from time to time, appoint three additional trustees of and for such High School so long as the school is open to county pupils on the terms aforesaid.

5). The Separate School board of the city, town, or incorporated village in which a High School is situated, may appoint one trustee

of and for such High School board, who shall Secs. 11, 12. hold office for one year, provided always, in the case of a board of education, that such trustee shall not take part in any of the proceedings affecting the Public School.

(6). Except in the case of a board of education, the Public School trustees of every city, town, or incorporated village in which a High School is situated, may appoint annually one trustee of and for such High School board, who shall hold office for one year.

12. (1). Vacancies arising from the annual Vacancies now filled. retirement of trustees shall be filled at the first meeting thereof after being duly organized in each year by the municipal councils or by the boards of trustees empowered under this Act to make the appointments; and vacancies arising from death, resignation, or removal from the High School district or county, or otherwise, shall be filled forthwith by the municipal council or board of trustees having the right of appointment, and the person appointed to fill such vacancy shall hold office only for the unexpired term of the person whose place has become vacant.

(2). Any ratepayer 21 years of age, *residing* Qualification of trustees. *in the county or municipality in which the High School is situated*, who is not a member of the municipal council of the municipality or county in which the High School is situated shall be qualified to serve as a High School

Secs. 12, 13. trustee, or as a member of a board of education. This sub-section shall not apply to any person now serving as a High School trustee or as a member of a board of education until his present term of office as trustee has expired.

The original section was amended by 55 Vict., c. 60, s. 6, by omitting the word "resident" before ratepayer, and adding the words in italics.

First Meeting.

First meeting
of board.

13. (1). The first annual meeting of every board of trustees or board of education shall be held at the hour of seven o'clock in the afternoon of the first Wednesday of February or at such hour of the same day as may have been determined by resolution of the former board, and shall be organized by the election of a chairman, who shall be a member of the board, and a secretary and treasurer or secretary-treasurer. A majority of the board shall form a quorum.

Quorum.

The resolution changing the hour of meeting must have been passed at a regular meeting of the board retiring from office. This can be done at any time during their year of office, and only affects the meeting for organization. Subsequent meetings of the board are generally regulated by the by-laws of the respective boards.

Secretary to
preside at first
meeting until
chairman
elected.

(2). The secretary or secretary-treasurer for the previous year shall preside at the first meeting of the board until the chairman is elected, or if there be no secretary or secretary-

treasurer then such member of the board shall **Secs. 13, 14.**
 preside as may be appointed for that purpose.

Though not specifically mentioned in this sub-section, it is clear, from a comparison with the preceding sub-section, that the first duty of the board is the election of the chairman.

(3). In case of an equality of votes at the election of chairman, the trustee who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote, in addition to his vote as a member of the board.

Equality of votes on the election of chairman.

See sub-section 3 of section 106 of *The Public Schools Act, 1891*, and remarks thereunder.

(4). The chairman or presiding officer of the board may vote with the other members of the board on all questions, and any question on which there is an equality of votes shall be deemed to be negatived.

Chairman to vote.

Compare section 106(4) of *The Public Schools Act, 1891*.

Duties of Trustees.

14. It shall be the first duty of every board of trustees and they shall have power:—

Duties of trustees.

(1). To fix the times and places of the board meetings, the mode of calling and conducting them, and of keeping a full and correct account of the proceedings of such meetings.

Fix meetings of board.

This is similar to the duty of trustees in cities, towns,

Sec. 14. and incorporated villages under section 107 (2) of *The Public Schools Act, 1891* (*ante*, p. 145).

Charge of high school.

(2). To take charge of the High School for which they have been appointed trustees, to keep the school buildings in proper repair, to provide from time to time suitable furniture and equipment, and to see that the grounds and all the property of the corporation are duly protected.

Compare sub-sections 2 and 6 of section 42, and sub-sections 4 and 13 of section 107, of *The Public Schools Act, 1891*, as to the somewhat similar duties of trustees under that Act. See also remarks under those sections.

Collection of fees for tuition.

(3). To settle the amount to be paid by parents and guardians for each pupil attending the High School, subject to the provisions of this Act, to fix the times of payment, and, when necessary, to sue for and recover such amounts.

Orders for salaries and expenses.

(4). To give the necessary orders upon the treasurer of the board for the payment of the salaries of the teachers and other officers and servants of the High School, and for any other necessary expenses.

Application to council for sums for maintenance.

(5). To apply to the municipal council or councils, liable under this Act, on or before the first day of August, for such sums as the board may require for the maintenance of the High School, or for any sums not exceeding five hundred dollars in one year for permanent improvements.

It is not necessary for the trustees to submit to the

Sec. 14.

municipal council an estimate, similar to that required from trustees under *The Public Schools Act*, showing how the sum required is made up. (*In re The Trustees of Port Rowan High School and the Corporation of the Township of Walsingham*, 23 C.P. 11.) A demand made by the secretary-treasurer of a high school board, as such, is sufficient, especially if it is in any way recognized by the municipal council as a demand made by the board. (*Ib.*) As to the duties of trustees under *The Public Schools Act*, see section 40 (8) and 107 (10) of that Act.

And where the county municipality consists of three united counties, the amount required for the equivalent of the Government grant to the several high schools in the municipality is a charge upon the county municipality, and must be levied by an equal rate upon the whole assessable property in the municipality constituting the county of the three united counties. (*Re Chamberlain and the Corporation of the United Counties of Stormont, Dundas, and Glengarry*, 42 Q.B. 279.) But see now 55 Vict., c. 42, s. 495 (6).

(6). To take such security from the treasurer Security from treasurer. of the board as they may deem expedient.

See sub-section 2 of section 33 of *The Public Schools Act, 1891*, and remarks thereunder. And, by sub-section 2 of section 36 of this Act, it is the duty of the secretary-treasurer to give security to the board appointing him for the due and faithful performance of his duties.

For form of bond to be given by secretary-treasurer, see *Form 8*, Appendix A.

(7). To expel, on the report of the principal, Expulsion of pupils. any pupil whose conduct may be deemed injurious to the welfare of the school; and to expel any pupil whose parents or guardians neglect or refuse to pay the tuition fees of such pupil after reasonable notice.

It is submitted that, unless the words "dismiss" and

Sec. 14. "expel" are accepted as synonymous, greater power is conferred upon the trustees under above sub-section than that conferred upon public school trustees under the somewhat similar provisions of *The Public Schools Act, 1891* (*ante*, pp. 57, 148), for to "expel" a pupil is to cut such pupil off from further connection with the school, and this the high school trustees have power to do effectually, for no provision is made for the readmission of the pupil; whereas the power of the public school trustees is limited to "dismissal," and the pupil may be readmitted upon purging himself of his offence.

The presumption is afforded that the words "dismiss" and "expel" are synonymically intended, for the Departmental Regulations provide that any pupil in a public school "who shall be adjudged so refractory by the board of trustees, and by the teacher, that his presence in the school is injurious to the other pupils may be *expelled*," and, under certain conditions, readmitted. (D.R., s. 5, s-s. 9.)

It is well to notice that the high school trustees have not the power the public school trustees have of removing a hopeless character to an industrial school.

Pupils may also be precluded from attending a high school under the provisions of the Act respecting Vaccination and Inoculation, R.S.O., 1887, c. 206, section 17 of which provides that "in all cases, when it is deemed necessary by the medical health officer of any municipality, owing to the presence or threatened presence of smallpox, he may, with the approval of the local board of health, require certificates of successful vaccination, or of insusceptibility on re-vaccination within seven years, of all students of high schools, collegiate institutes, * * *, within the municipality, to be presented to the proper authorities of the said institutions, and no student, refusing to present such certificate on demand, shall be admitted to further attendance on classes in said institutions until such certificate is furnished." They may also be deprived of the right to attend by action taken under *The Public Health Act*, R.S.O., 1887, c. 205, s. 94, owing to their

suffering from a contagious disease. For text of section **Sec. 14.**
94, see *ante*, pp. 146 and 185.

(8). To appoint and remove such teachers, ^{Appointment and removal of teachers.} officers and servants as they may deem expedient, and to fix their salaries and prescribe their duties.

As to the appointment of high school teachers, see section 39; as to the suspension of teachers for neglect of duty, see section 40 (3); as to the duties of teachers, see D.R., sections 16, 6, and 7.

(9). To provide adequate accommodation ^{Accommodation for pupils.} according to the regulations of the Education Department for all resident pupils, and in the case of High Schools receiving aid from the county for county pupils also, subject to section 33 of this Act.

Compare sections 40 (3) and 107 (3) of *The Public Schools Act, 1891*, and see remarks thereunder.

Section 33 of this Act provides that "all sums of money required by the trustees of any high school for permanent improvements exceeding five hundred dollars shall be raised by assessment on the ratepayers of the municipality or municipalities composing the high school district, on the application of the board of trustees to the municipal council or councils of the district, made on or before the first of August in each year; and in the event of the municipal council, where the high school district is composed of one municipality, or in the event of a majority of the municipalities composing the high school district approving of such application, the municipality within which the high school is situated shall issue debentures therefor in the manner provided for the issue of municipal debentures under *The Municipal Act of 1887*."

Secs. 14, 15. (10). To certify to the treasurer of the county on or before the first of August each year, the amount of fees collected from county pupils for the calendar year next preceding.

Certify fees received to county treasurer.

Conduct of school.

(11). To see that the High School is conducted according to the provisions of this Act, and the regulations of the Education Department.

If the trustees fail to perform their duty in this respect, the high school will not be entitled to receive any part of the high school grant (s. 44).

As to the proper conduct of schools, see D.R., sections 4, 5, 6, and 16 (3).

Annual report to Minister.

(12). To prepare and transmit to the Minister of Education, the annual report before the 15th of January, and the semi-annual reports at the close of each half year, in accordance with forms provided by the Education Department.

Form 41, Appendix A, can be used.

SITES FOR HIGH SCHOOLS.

Selection of site restricted.

15. A High School site shall not be selected in a township within a hundred yards of the garden, orchard, pleasure ground, or dwelling house of the owner without his consent.

The site must have no connection with a public school as regards premises. (D.R., s. 12, s-s. 1.) It must be half an acre in extent, well fenced, well drained, planted with shade trees, and suitably provided with walks in front and rear. (*Ib.*, s-s. 2.)

This is an additional statutory requisite required in the

case of the selection of new sites in a township, and is not Secs. 15, 16, 17. prescribed by the Rules of the Education Department.

16. It shall be competent for the trustees Enlargement of school site. to enlarge any existing High School site, as required by the regulations of the Education Department, provided no such enlargement shall be made in the direction of, or including an orchard, garden, pleasure ground or dwelling house, without the consent of the owner of the land required, unless the school site cannot be otherwise enlarged.

See sections 67 and 74 of *The Public Schools Act, 1891*, and remarks thereunder.

17. If the owner of any land selected by arbitration in case of disagreement. the board of trustees of any High School for a site, or for High School purposes or for the enlargement of the High School premises, refuses to sell the same, or demands therefor a price deemed unreasonable by the trustees of such High School, then such owner and trustees shall each forthwith appoint an arbitrator, and the arbitrators thus appointed, together with the Senior County Judge of the county in which the site in dispute is situated, or in the case of his inability to attend, any person appointed by him on his behalf as third arbitrator, or any two of them, shall appraise the damages for such land.

See section 67 of *The Public Schools Act, 1891*, and remarks thereunder. In the case provided for in that section, the inspector acts as third arbitrator. Under the

1891
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Secs. 17, 18, above provision, and also under the next section, the senior county judge takes the place of the inspector.

Proceedings when owner refuses to appoint an arbitrator.

18. If the owner of land selected for a school site, as provided by the preceding section, neglects or refuses to appoint an arbitrator, it shall be competent for the County Judge, with the arbitrator appointed by the trustees, to meet and determine the matter; and in such cases the County Judge shall have a second or casting vote, if he and such arbitrator do not agree.

See similar provision made by section 68 of *The Public Schools Act, 1891*, and remarks under that section. Under above section, the county judge takes the place of the inspector mentioned in section 68.

Powers of arbitrators.

19. The arbitrators aforesaid, or any two of them, shall have the power to settle all claims or rights of encumbrancers, lessees, tenants, or other persons, as well as those of the owner, in respect of the land required for the purpose of the High School site, upon notice in writing to every such claimant, and after hearing and determining his claims or rights, and, upon tender of the amount of such damage to the owner or other person entitled thereto, or to any part of such amount, by the trustees, the land shall be taken and used for the purpose aforesaid.

See sub-sections 1 and 2 of section 69 of *The Public Schools Act, 1891*, and remarks thereunder.

For form of notice by arbitrators to claimants, see *Form 23*, Appendix A.

20. If only a majority of the arbitrators appointed to decide any case arising under the authority of this Act are present at any lawful meeting, in consequence of the neglect or the refusal of the other arbitrator to meet them, it shall be competent for those present to make and publish an award upon the matter or matters submitted to them, or to adjourn the meeting for any period not exceeding ten days, by giving the absent arbitrator notice of the adjournment.

Secs. 30, 31,
32.

Proceedings
when one ar-
bitrator is
absent.

See section 70 of *The Public Schools Act, 1891*, and remarks thereunder.

21. Any award for a High School site made and published under this Act, if there be no conveyance, shall thereafter be deemed to be the title of the trustees to the land mentioned therein, and shall be a good title thereto against all persons interested in the property in any manner whatsoever, and shall be registered in the proper registry office on the affidavit the secretary of the board of trustees verifying the same.

Award to con-
stitute title.

This provision is similar to that made in respect to sites for public schools by section 72 of *The Public Schools Act, 1891*.

For form of affidavit, see *Form 24*, Appendix A.

22. The costs of arbitration shall be paid by the parties concerned in such proportion as may be determined by the arbitrators.

Costs.

See section 72 of *The Public Schools Act, 1891*, and remarks thereunder.

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Secs. 23, 24.

Who may
convey.

23. All corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, femmes-coverts, or other person, seized, possessed of or interested in any land, may contract for, sell or convey all or part thereof to High School trustees for a school site or an addition to the school site, or for a teacher's residence; and any contract, agreement, sale, conveyance and assurance so made shall be valid and effectual to all intents and purposes whatsoever; and the corporations or persons so conveying are hereby indemnified for what they respectively do by virtue of or in pursuance of this Act.

See section 75 of *The Public Schools Act, 1891*, and remarks thereunder.

Notice in case
owner is absent
or unknown.

24. If the owner of land duly selected for the said purpose is absent from the county in which the land lies, or is unknown, the trustees may procure from a sworn surveyor a certificate that he is not interested in the matter; that he knows the land and that some certain sum therein named is, in his opinion, a fair compensation for the same; and on filing the said certificate with the Judge of the County Court of the county in which the land lies, accompanied by an affidavit or affidavits which

satisfy the Judge that the owner is absent ^{Secs. 24, 25, 26.} from the county and that, after diligent enquiry, he cannot be found, the Judge may order a notice to be inserted for such a time as he sees fit in some newspaper published in the county; and he may, in addition thereto, order a notice to be sent to any person by mail, or may direct service of the same to be effected in such other way as he sees fit.

See section 76 of *The Public Schools Act, 1891*, and remarks thereunder.

For forms of certificate, affidavit, and notice mentioned above, see *Forms 25, 26, and 27, Appendix A.*

25. The notice shall contain a short description of the land, and a declaration of the readiness of the trustees to pay the sum certified as aforesaid; shall give the name of a person to be appointed as the arbitrator of the trustees if their offer of that sum is not accepted; shall name the time within which the offer is to be accepted, or an arbitrator named by the owner; and shall contain any other particulars which the County Judge may direct. ^{Particulars of notice.}

See section 77 of *The Public Schools Act, 1891*. For form of notice, see *Form 27, Appendix A.*

26. If within such time as the Judge directs, the owner does not notify the trustees of the acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, the Judge shall, on the application of the trustees, appoint a sworn ^{Appointment of arbitrator by Judge.}

Secs. 26, 27, 28. surveyor to be sole arbitrator for determining the compensation to be paid for the property.

See section 78 of *The Public Schools Act, 1891*, and remarks thereunder.

Responsibility
of trustees as to
compensation.

27. Where land is taken by the trustees without the consent of the owner, the compensation to be paid therefor shall stand in the stead of the land; and after the trustees have taken possession of land any claim to, or incumbrance upon the same or any portion thereof, shall as against the trustees, be converted into a claim to the compensation or to a proportion thereof, and the trustees shall be responsible accordingly whenever they have paid such compensation or any part thereof to a party not entitled to receive the same, saving always their recourse against such party.

See section 79 of *The Public Schools Act, 1891*.

Deposit of
compensation
money by
trustees.

28. If the trustees have reason to fear any claims or incumbrance, or if any party to whom the compensation or any part thereof is payable refuses to execute the proper conveyance, or if the party entitled to claim the same cannot be found or is unknown to the trustees, or if for any other reason the trustees deem it advisable, they may pay the arbitration and other expenses, and deposit the amount of the compensation with the High Court, or in such other manner as the County Judge may direct, with interest thereon for

six months, and may deliver therewith an Secs. 28, 29. authentic copy of the conveyance, or of the agreement or award if there be no conveyance; and such agreement or award shall thereafter be deemed to be the title of the trustees to the land therein mentioned, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper registry office on an affidavit of the secretary of the board of trustees verifying the same.

See section 80 of *The Public Schools Act, 1891*.

For form of affidavit, see *Form 24*, Appendix A.

Property vested in Trustees.

29. All property heretofore granted, devised High school property vested in trustees. or acquired in any municipality, and vested in any person or persons, or corporation, for High School purposes, or which may hereafter be so granted, devised or acquired, shall be deemed and be taken as having vested absolutely in the board of High School trustees and the board shall have full power to convey, sell, transfer, or lease such property, upon the adoption of a resolution by the board that such property is no longer required for High School purposes, and the proceeds of such sale, transfer or lease shall be applied for the use of such High School.

The buildings and grounds of and attached to every high school are exempt from taxation so long as such buildings and grounds are actually used and occupied by the high school, or if unoccupied, but *not* if otherwise

Secs. 29, 30. occupied. (55 Vict., c. 48, s. 7, s-s. 4.) This is not an absolute, but a qualified exemption.

MUNICIPAL GRANTS FOR MAINTENANCE.

Aid to high schools from counties.

30. The municipal council of every county shall on or before the 15th day of December in each year pay for the maintenance of every High School in any town not separated from the county, or in any incorporated village or township within the county, an amount equal to the amount apportioned by the Minister of Education for each of such High Schools.

Under *The Consolidated Municipal Act*, the council of any county, city, and town separated from the county for municipal purposes may pass by-laws "for making provisions in aid of such high schools as may be deemed expedient." Notwithstanding anything contained in this Act, or in *The High Schools Act*, the county council of any union of counties may pass a by-law for the purpose of apportioning the amount to be levied for high school purposes, so that each county forming such union shall be liable only for the maintenance of the high schools situated within such county. (55 Vict., c. 42, s. 495, s-s. 6.)

By Con. Stat. U.C., c. 63, s. 16, the council of each county, city, township, town, or incorporated village was authorized from time to time to levy and collect, by assessment, such sum or sums of money as it might deem expedient to purchase the site, or to rent, build, repair, furnish, warm, and keep in order a grammar school house, for providing the salary of the teachers, and all other necessary expenses of such county grammar school. That statute was held to be permissive, not obligatory. (*In re Trustees of Weston Grammar School and Counties of York and Peel*, 13 C.P. 423.) But now, see above section; *In re Trustees Port Rowan High School and the Corporation of the Township of Walsingham*, 23 C.P. 11; *In re Board of*

Education of Perth and the Corporation of the Town of Perth, 39 Q.B. 34. Secs. 31, 32.

31. (1). Where the proportionate cost of the maintenance of county pupils at any High School, exceeds, or is alleged to exceed, the amount of money granted by the county council under the preceding section, and of the fees received for county pupils, the county shall be liable for a further sum, in the proportion as nearly as may be which the average attendance of county pupils enrolled at such High School during the preceding three years bears to the average attendance of all the pupils enrolled at the same school for the same period of three years. In the case of new High Schools the period herein mentioned for which the average attendance is to be reckoned, shall be the number of years for which such school was open, not exceeding three years.

When further grant from county to be made.

(2). Where the trustees of any High School situated in a city or in a town separated from the county notify the county clerk that such High School is open to county pupils on the same terms as High Schools in the municipalities not separated from the county, the county council shall in all such cases pay the proportionate cost of the maintenance of county pupils at such High Schools subject to the provisions of this Act.

Maintenance of county pupils in city or town high school.

Sec. 31.

Disputes as to
grants to be
referred to
county judge.

(3). The trustees of a High School and the county council may by mutual agreement settle the proportionate amount to be paid by the county for the maintenance of county pupils under this section, but in the event of their inability to agree with respect to such amount either party may refer the matter in dispute to the County Judge, who shall have power to settle the same. Where the County Judge is a member of the High School board, or where he is unable for any reason to act as referee, the Junior County Judge, if not a member of the High School board shall act as referee, or if the Junior Judge is unable for any reason to act, or if there be no Junior Judge the Senior Judge of the adjoining county with the greatest population according to the last Dominion census shall act as referee. Any award made by the referee shall be binding on the parties thereto for the period of three years.

(4). In all cases of dispute the trustees of the High School shall submit a detailed statement of the receipts and expenditure of their High School for maintenance for each of the preceding years under consideration, such statement to be certified by the auditors authorized under this Act to audit High School accounts; and also a statement of the names, residence and attendance of resident, non-resident and county pupils for the same time each year of a like period such last men-

Sec. 31.

tioned statement to be certified by the chairman of the board. The chairman shall also certify as to the amount of the Legislative grant received for the time under consideration and the referee shall deduct the amount so certified from the whole cost of maintenance of each High School in determining the liability of the county for the maintenance of county pupils.

(5). The costs of reference to the County Judge shall be paid by the municipal council of the county and the trustees of the High School concerned, in the proportion which the county pupils bear to all the pupils enrolled in such High School.

Costs of reference.

(6). The municipal council of every county shall levy and collect from the municipalities composing the county the sum or sums for which the county is annually liable for the proportionate maintenance of county pupils less the fees paid by county pupils as certified to the county treasurer by the High School board.

Rate for high school purpose to be levied by county council.

(7). When any county council is required as herein provided to pay the proportionate maintenance of county pupils at any High School in the county, it shall be lawful for any municipality not included in a High School district to provide for the payment of its share of the proportionate maintenance of such county pupils, by assessment on the ratepayers of the

Provision or maintenance of county pupils by municipality outside of the high school district.

Secs. 31, 32. municipality. The amount payable in such case shall be in the proportion which the equalized assessment of the municipality bears to the equalized assessment of all the municipalities of the county not included in any High School district.

(8). When any rate is levied as aforesaid then such municipality shall not be liable for the payment of any other rates for High School purposes, and all money so collected shall be paid to the county treasurer on or before the 15th of December in each year.

Sub-sections 7 and 8 of above section have been added by 56 Vict., c. 52, s. 2. Their addition, however, does not affect any action now pending in any Court of this province with respect to any question raised under this Act previous to the coming into force of the amendment. (56 Vict., c. 52, s. 5.)

Councils in high school districts to levy rates.

32. The municipal council or councils of every High School district shall levy and collect each year from their respective municipalities such sum or sums as the trustees of the High School may deem necessary for the maintenance of the High School in addition to that received from the county council and other sources under this Act, and a further sum, not exceeding five hundred dollars, in any one year, if required by the trustees for permanent improvements, and said sum shall be levied by one uniform rate over the whole district.

It seems that, where a high school district is composed

of two or more municipalities, the high school board for **Secs. 32, 33.** that district can compel one of the municipalities to contribute their share of the sum required by the trustees for "permanent improvements," such as the erection of a schoolhouse, in the other municipality. See *In re the Niagara High School Board and the Corporation of the Township of Niagara*, 39 Q.B. 362; 1 A.R. 288; 37 Vict., c. 27, ss. 44, 45; and see s-s. 8 of s. 2 of this Act.

GRANTS FOR PERMANENT IMPROVEMENTS.

33. All sums of money required by the trustees of any High School for permanent improvements exceeding five hundred dollars shall be raised by assessment on the ratepayers of the municipality or municipalities composing the High School district, on the application of the board of trustees to the municipal council or councils of the district, made on or before the first of August in each year, and in the event of the municipal council, where the High School district is composed of one municipality, or in the event of a majority of the municipalities composing the High School district approving of such application, the municipality within which the High School is situated shall issue debentures therefor in the manner provided for the issue of municipal debentures under the Municipal Act of 1887.

Assessments for
improvements
exceeding \$500.

An application under this section must be the corporate act of the high school board, not merely the verbal request (however unanimous) of the individuals composing it, and it must specify the purposes for which the money is required. (*In re Oakwood High School Board and the Municipal Council of the Township of Mariposa*, 16 A.R. 87.)

To come within the provisions of this section, an

Secs. 33, 34. application must be an independent application for purposes mentioned in the section ; and an application combining other purposes with these purposes may be rejected by a simple majority vote. (*Id.*)

Refusal of
municipal
council to
provide funds.

34. (1). In the case of a High School district composed of one municipality, when the council thereof refuses, or when the High School district is composed of two municipalities, when the council of one municipality refuses, or when a majority of the municipalities composing the High School district refuse to raise or borrow such sum of money aforesaid by debentures, the said council or councils shall, on the request of the trustees, submit such application to the vote of the municipality or municipalities concerned, in the manner provided by *The Municipal Act* for the creating of debts, and in the event of the assent of a majority of the electors in the High School district qualified to vote upon a by-law for creating debts being thereby obtained, it shall be the duty of the council of the municipality in which the High School is situated to raise or borrow such sum.

See section 293, *et seq.*, and section 340, *et seq.*, of *The Consolidated Municipal Act, 1892*. See also Harrison's *Municipal Manual*, 5th ed., pp. 220, *et seq.*, and 250, *et seq.*

Equalization of
rates.

(2). When the High School district is composed of more municipalities than one, the municipal council of each municipality composing the district shall pay to the council of the municipality in which the High School is

Sec. 34.

situated such proportion of the loan raised for High School purposes as the equalized assessment of each municipality or part thereof belonging to the High School district, bears to the equalized assessment of the whole district. Provided always that nothing herein contained shall prevent the municipality within which the High School is situated from assuming the full cost of permanent improvements, or from undertaking to pay any debentures that may be issued for such purpose notwithstanding that such municipality forms only a part of the High School district.

(3). The municipal council or councils of any High School district, or a majority of them, may, if deemed expedient, without submitting the same to a vote of the ratepayers of the municipality or municipalities comprising the district, as required by *The Municipal Act*, for the creating of debts, pass a by-law or by-laws for the purpose of raising or borrowing money, on the application of the High School board for permanent improvements.

See *ante*, p. 255, as to meaning of "permanent improvements."

(4). Any debenture for any loan of money for school purposes may be for such term of years, not exceeding thirty, as the municipal council may think fit, or the municipal council may in its discretion make the principal of

Term of
debentures.

Secs. 34, 35. such debt repayable by annual or other instalments, in the manner provided by *The Municipal Act*.

See section 117 of *The Public Schools Act, 1891*, and remarks thereunder.

Assessments for maintenance or permanent improvements.

35. The council of any *county* may raise by assessment in addition to that required to be raised by this Act, such further sums of money as may be deemed expedient by the council for the maintenance or permanent improvement of any High School.

This section was amended by 56 Vict., c. 52, s. 3, by substituting the word "county" in the first line thereof for the word "municipality" in the Act of 1891, thus extending the scope of this section. See section 2(3) of this Act. This amendment does not affect any action pending in any Court of this province with respect to any question raised under this Act previous to the amendment coming into force. (56 Vict., c. 52, s. 5.)

See *ante*, p. 256, as to meaning of "maintenance," and p. 255 as to meaning of "permanent improvements."

Where three united counties were formed into five high school districts, it was held that the aid granted to the high schools by the corporation to supplement the Government grant must be made by an equal rate upon the assessable property of the united counties, not upon each high school district for the sum apportioned to its schools. (*Re Chamberlain and the Corporation of the United Counties of Stormont, Dundas, and Glengarry*, 42 Q.B. 279.)

The council of any county, city, and town separated from the town for municipal purposes may pass by-laws "for making a permanent provision for defraying the expenses of the attendance at the University of Toronto, and at the Upper Canada College, in Toronto, of such of

the pupils of the public high schools of the county as are ^{Secs. 35, 36,} unable to incur the expense, but are desirous of, and, in the ^{37.} opinion of the respective masters of such high schools, possess competent attainments for competing for any scholarship, exhibition, or other similar prize offered by such university or college"; "for making similar provision for the attendance at any high school, for like purposes, of pupils of public schools of the municipality"; and "for endowing such fellowships or exhibitions, and other similar prizes, in the University of Toronto, and in the Upper Canada College, at Toronto, for competition among the pupils of the public high schools in the county, as the council deem expedient for the encouragement of learning amongst the youth thereof." (55 Vict., c. 42, s. 495, s-ss. 7, 8, 9.)

36. (1). All moneys raised under the ^{Payment over of} authority of the Act, shall be paid over to ^{moneys to high} the High School treasurer, entitled to receive ^{school} the same, on or before the 15th day of ^{treasurer.} December in every year.

(2). The treasurer of every High School ^{Security to be} board shall give security to the board appoint- ^{given by} ing him for the due and faithful performance ^{treasurer.} of his duties, and shall submit his accounts to the auditors of the municipality in which the High School is situated, whose duty it shall be to audit such accounts in the same way as the municipal treasurer's accounts are audited.

It is the duty of the trustees to see that they obtain this security (s. 14, s-s. 6).

HIGH SCHOOL FEES.

37. (1). County pupils shall pay to the ^{County pupils.} treasurer of the High School board such fees

Sec. 37. as the municipal council of the county may deem expedient, provided always such fees shall be uniform and shall not exceed one dollar per month. The scale of fees so fixed shall take effect from the beginning of the High School term next ensuing after adoption thereof by the county council, and shall continue in force for three years.

Non-resident pupils.

(2). Non-resident pupils shall pay to the treasurer of the High School board such fees as the board of trustees may deem expedient, provided always such fee shall not be greater than the cost of maintenance at such High School, nor less than the fees imposed by the council on county pupils.

See *ante*, p. 255, as to who are non-resident pupils.

Resident pupils

(3). Resident pupils shall pay to the treasurer of the High School board such fees as the trustees of the High School may deem expedient.

See *ante*, p. 254, as to who are resident pupils.

(4). The council of any municipality not included in a High School district may provide by assessment for the payment of any fees imposed by the county council on county pupils or by the board of trustees on non-resident pupils who reside in such municipality.

Sub section 4 was added to above section by 56 Vict., c. 52, s. 4.

This amendment does not affect any action now pending

in any Court of this province with respect to any question **Secs. 37, 38.**
 raised under this Act previous to the 27th day of May,
 1893. (56 Vict., c. 52, s. 5.)

ENTRANCE EXAMINATION.

38. (1). A uniform entrance examination ^{Entrance examination}
 for the admission of pupils to High Schools
 shall be held annually in every High School
 district according to such regulations as may
 be prescribed by the Education Department.
 Examinations may be held at such other
 places in every county as shall be recom-
 mended by the county council of which notice
 shall be given to the inspector by the county
 clerk. Such places shall be affiliated for the
 purposes of the examination with a High
 School in the same inspectoral division.

For regulations affecting the High School Entrance
 Examination, see D.R., ss. 21 to 27.

(2). Every High School district shall be
 under one board of examiners. The trustees
 of the Public and Separate Schools of the
 city, town or incorporated village in which a
 High School is situated shall on or before the
 1st day of June each appoint an examiner, for
 the purpose of such examination. The in-
 spector or inspectors of Public Schools of the
 inspectoral district within which the High
 School is situated and the principal of the
 High School shall be *ex-officio* members of
 such board.

(3). The persons qualified to be appointed

Sec. 38. examiners shall be persons holding certificates as first class teachers actually engaged in teaching, provided always that any person actually engaged in teaching who is the holder of a second class provincial certificate and who has had five years' experience as a teacher may be appointed examiner, where a first class teacher is not available within such High School district.

No teacher is eligible as an examiner, who has pupils of his own writing at the Entrance Examination. (D.R., s. 21, s-s. 1.)

Examiners' fees.

(4). The Board of Trustees and the Board of Examiners may agree upon the sum to be paid annually for the examination of such pupils, but in the absence of any agreement, examiners shall be allowed the sum of one dollar per pupil for conducting such examination and this allowance shall include the travelling expenses of the examiners, presiding at the examination reading and valuing the papers of candidates and reporting the results to the Education Department.

Entrance examination.

(5). The Board of Education or the trustees of the High School district within which the examination is held shall on the requisition of the chairman of the board of examiners pay all the expenses of the examination at such High School, and such expenses shall be deemed to be part of the cost of maintenance of such High School. At affiliated schools the travelling and other expenses of

the presiding examiner shall be paid by the county council. Sec. 38.

The form of requisition (No. 52) used under section 145 (3) of *The Public Schools Act, 1891*, may be adopted.

(6). Any pupil passing the entrance examination may be admitted to a High School provisionally, but it shall be competent for the Minister of Education to consider the appeal of any candidate with regard to the reading and valuation of his papers or on the report of the High School inspectors, to confirm, or disallow the admission of any pupil, or to require of any pupil further tests of proficiency in any of the prescribed subjects of examination. Pupils passing entrance examination.

As to the claim of a candidate to have his papers re-read, see D.R., s. 27, s-ss. 5, 6.

(7). County pupils whose examination has been confirmed by the Minister of Education shall have the right to attend any High School aided by the council of the county in which their parents or guardians reside. Resident pupils shall have the right to attend the High School of the district in which their parents or guardians reside. Non-resident pupils may attend any High School at the discretion of the trustees of such school. Rights of pupils.

Pupils can be deprived of their right to attend school under the provisions of section 17 of the Act respecting Vaccination and Inoculation, R.S.O., 1887, c. 206, on failing to produce certificates of successful vaccination, or

Secs. 38, 39. of insusceptibility on re-vaccination within seven years, when required to do so by the medical health officer of the municipality in which the high school they are attending is situate, and also by action taken under section 94 of *The Public Health Act*, R.S.O., 1887, c. 205, owing to their suffering from a contagious disease. (See *ante*, pp. 146, 185, and 272.)

HIGH SCHOOL TEACHERS.

Principals of
high schools.

39. (1). No person shall be appointed principal of a High School unless he is a graduate in Arts of some University within the British Dominions, and furnishes satisfactory evidence to the Minister of Education of his knowledge of the science and art of teaching, and of the management and discipline of schools; but any person legally qualified and employed as principal in any High School before the twenty-fourth day of March, 1874, shall be deemed qualified notwithstanding this section.

No master or teacher in a high school can hold the office of trustee. (54 Vict., c. 55, s. 189.) See also D.R., s. 72 (1).

Assistant
teachers.

(2). No person shall be appointed assistant teacher in any High School who does not possess the qualifications required by the Education Department.

Teachers

(3). Every teacher of a High School shall, in the organization, discipline, management and classification of the pupils be subject to such regulations as may be prescribed by the Education Department.

(4). The provisions of *The Public Schools Act*, ^{Secs. 39, 40.} respecting superannuation shall apply to teachers of High Schools.

See sections 162 to 171 of *The Public Schools Act*, 1891, and remarks thereunder.

AGREEMENTS.

40. (1). Every teacher of a High School who enters into an agreement with any board of trustees for one year and who serves under such agreement for three months or over shall be entitled to be paid his salary for the authorized holidays occurring during the period of such service, and also for all other holidays in the calendar year in the proportion which the number of days during which he has taught in the calendar year bears to the whole number of teaching days in such year.

This section is somewhat similar to section 135 of *The Public Schools Act*, 1891, *q.v.*; *ante*, p. 190.

(2). Every teacher shall be entitled to his salary during sickness, certified by a physician, for a period not exceeding four weeks for the entire year; this period may be increased at the pleasure of the trustees.

See section 136 of *The Public Schools Act*, 1891, and remarks thereunder.

(3). Any teacher who enters into an agreement with a board of trustees as teacher, and who wilfully neglects or refuses to carry out such agreement shall, on the complaint of any

Secs. 41, 42. board of trustees, be liable to the suspension of his certificate by the Education Department.

See section 133 of *The Public Schools Act, 1891*, and remarks thereunder.

For form of request by trustees to inspector to suspend a teacher's certificate, see *Form 48*, Appendix A.

Disputes between teachers and trustees.

41. (1). All matters of difference between trustees and teachers of High Schools in regard to salary or other remuneration, shall be decided in the Division Court, by the Judge of the County Court, in each county: provided always, that the decision of any County Judge in such cases may be appealed from, as provided for in *The Public Schools Act*.

As to appeals from Division Court decisions, see sections 179 to 183 of *The Public Schools Act, 1891*.

Enforcing judgment.

(2). In pursuance of a judgment or decision given by a County Judge in a Division Court, under the authority of this section, and not appealed from, execution may issue from time to time to recover what may be due of the amount which the Judge may have decided the plaintiff entitled to, in like manner as on a judgment recovered in a Division Court for a debt, together with all fees and expenses incidental to the issuing thereof and levy thereunder.

TERMS.

Duration of academic year.

42. The academic year of every High School shall consist of three terms; the first shall begin on the last Monday of August and

end on the twenty-second day of December ; ^{Secs. 42, 43,}
 the second term shall begin on the third day ^{44.}
 of January and end on the Thursday before
 Easter Sunday ; the third term shall begin on
 the second Monday after Easter Sunday, and
 end on the thirtieth day of June. Every
 Saturday, every public holiday and every day
 proclaimed a holiday by the council of the
 municipality in which the High School is
 situated shall be a holiday in such High
 School.

LEGISLATIVE GRANT.

43. Any sum of money appropriated by the ^{Apportionment}
 Legislative Assembly for High School pur- ^{of Legislative}
 poses shall be apportioned by the Minister of ^{grant.}
 Education on the basis of salaries paid to the
 teachers, the character and equipment of the
 school buildings and appendages, and the
 average attendance of pupils, according to the
 regulations of the Education Department,
 and all moneys so apportioned shall be pay-
 able half-yearly to the treasurer of each High
 School board in such manner as may be deter-
 mined by the Lieutenant-Governor in Council,
 and notice of such apportionment shall be
 given to the county clerk.

As to the basis upon which the Legislative grant is
 distributed, see section 15 of the Departmental Regulations.

44. No High School which is not conducted ^{Schools disen-}
 according to this Act, and the regulations ^{titled to sharing}
 prescribed by the Education Department, ^{in high school}
^{fund.}

Secs. 44, 45, shall be entitled to receive any part of the
46. High School fund.

Elementary,
military
instruction.

45. It shall be lawful for the Lieutenant-Governor in Council to prescribe a course of elementary military instruction for High School pupils, and to appropriate out of any money granted for the purpose a sum not exceeding \$50 per annum to any school employing a competent drill instructor, and in which school a class of not less than twenty-five pupils has been taught for a period of at least six months. Such classes and instruction shall be subject to such inspection and oversight as the Lieutenant-Governor in Council may direct.

Trustees
contracting with
board.

46. No High School trustee shall enter into any contract agreement, engagement or promise of any kind, either in his own name, or in the name of another, and either alone or jointly with another, or in which he has any pecuniary interest, profit, or promised or expected benefit, with the corporation of which he is a member, or have any pecuniary claim upon or receive compensation from such corporation for any work, engagement, employment, or duty on behalf of such corporation, and every such contract, agreement, engagement or promise shall be null and void, and such trustee shall also *ipso facto* vacate his seat, and a majority of the other trustees shall declare the same vacant forthwith, and notify

the clerk of the municipality, or board of trustees having authority to appoint such trustee accordingly. Secs. 46, 47,
48.

See section 191 of *The Public Schools Act, 1891*, and remarks thereunder.

47. If a trustee of any High School is convicted of any felony or misdemeanor, or becomes insane, or absents himself from the meetings of the board for three consecutive months, without being authorized by resolution entered upon its minutes, or ceases to be a resident within the county or municipality for which he is a trustee, such trustee shall *ipso facto* vacate his seat, and the remaining trustees shall declare his seat vacant forthwith, and notify the clerk of the county or municipality or board of trustees having authority to appoint such trustee accordingly. When seat on
board may be
declared vacant

See section 190 of *The Public Schools Act, 1891*, and remarks thereunder.

48. Any person who wilfully interrupts or disquiets any High School established and conducted under the authority of this Act, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of the High School shall, for each offence, on conviction thereof before a Police Magistrate or Justice of the Peace, on the affidavit of one credible witness, forfeit and pay for High School purposes to Disturbing
schools.

Secs. 48, 49, 50, 51. the trustees of the High School district within which the offence was committed, such sum not exceeding \$20 together with the costs of conviction, as the said Police Magistrate or Justice may think fit.

See section 193 of *The Public Schools Act, 1891*.

AUTHORIZED BOOKS.

Text-books.

49. No teacher shall use or permit to be used as text books any books in a High School, except such as are authorized by the Education Department, and no portion of the Legislative or municipal grant shall be paid to any High School in which unauthorized books are used.

See section 174 of *The Public Schools Act, 1891*, and remarks thereunder.

Change of text-books.

50. Any authorized text book in actual use in any High School may be changed by the teacher of such school for any other authorized text book in the same subject on the written approval of the trustees, provided always such change is made at the beginning of a school term, and at least six months after such approval has been given.

Teachers substituting unauthorized text-books.

51. In case any teacher or other person shall negligently or wilfully substitute any unauthorized text book in place of any authorized text book in actual use upon the same subject in his school, he shall for each such offence, on conviction thereof before a

Police Magistrate or Justice of the Peace, as **Secs. 51, 52.**
 the case may be, be liable to a penalty not
 exceeding \$10, payable to the municipality
 for High School purposes, together with costs,
 as the Police Magistrate or Justice may think
 fit.

This section is similar to section 176 of *The Public
 Schools Act, 1891.*

52. Chapter 226 of the Revised Statutes of Rev. Stat., c.
 226; 51 V., c. 37
 Ontario, 1887, chapter 37 of the Acts passed 53 V., c. 72,
 repealed.
 in the fifty-first year of Her Majesty's reign,
 and chapter 72 of the Acts passed in the fifty-
 third year of the said reign are repealed.



Sec. 1.

AN ACT TO AMEND AND EXPLAIN
CERTAIN PORTIONS OF THE
SCHOOL LAWS.

55 Victoria, Chapter 60.

[Assented to 14th April, 1892.]

Preamble.

WHEREAS a portion of section 123 of *The Public Schools Act of 1878* was unintentionally repealed by *The Public Schools Act, 1891*; and whereas it is desirable to make clear the meaning of section 109 of *The Public Schools Act, 1891*; and in other respects amend the school laws.

Her Majesty, by and with the advice and consent of the Legislative Assembly enacts as follows:—

Rev. Stat., c. 225,
s. 123, re-enacted
in part.

1. The following words, forming part of section 123 of chapter 225 of the Revised Statutes of 1887, repealed by *The Public Schools Act, 1891*, are hereby re-enacted:—
“Where the Public School rate and the
“Separate School rate are not the same, if
“the owner is compelled to pay a school rate

"in consequence of the default of the tenant Secs. 1, 2, 3.
 "to pay the same, he shall only be liable to
 "pay the amount of the school rate of the
 "schools to which in virtue of his right in
 "this behalf he directed his money to be
 "paid."

2. To remove doubts, section 109 of *The Public Schools Act, 1891*, shall be construed Meaning of § 1 V., c. 55, s. 109. to mean that union school sections composed of a part of a township, and any incorporated village or town shall not be included within the provisions of said section 109.

See *ante*, p. 159.

3. Section 115 of *The Public Schools Act*, § 1 V., c. 55, s. 115, amended. 1891, is amended by adding thereto the following sub-section:

(5). The expenses of preparing and publishing any by-law or debentures under the said section 115 and all other expenses incident thereto, shall be paid by the school section on whose behalf such debentures were issued, and the amount of such expenses may be deducted from any school rates collected by the municipal council for such school section, anything in *The Public Schools Act* to the contrary notwithstanding. Expenses of publishing by-laws.

This section overrides section 118 of the principal Act, which provides that all sums levied under section 115 are to be paid over to the secretary-treasurer on or before the 15th December in each year, without any deduction whatever. See *ante*, p. 166.

Secs. 4, 5, 6.

Exemption by
by-law not to
affect liability
for school rates.

4. No municipal by-law hereafter passed for exempting any portion of the ratable property of a municipality from taxation in whole or in part shall be held or construed to exempt such property from school rates of any kind whatsoever.

Adjustment of
assets and lia-
bilities upon
union of muni-
cipalities.

5. In all cases in which two municipal corporations are united by proclamation or by any Act of the Legislative Assembly, all the assets and liabilities of the school corporations of the minor municipality shall be assumed by the school corporation of the united municipality.

See *ante*, p. 118.

54 V., c. 75, s. 12,
amended.

6. Sub-section 2 of section 12 of *The High Schools Act, 1891*, is amended by striking out the word "resident" in the first line thereof and inserting after the word "age" in the same line the words "residing in the county or municipality in which the High School is situated."

See *ante*, p. 267.



AN ACT TO AMEND THE HIGH SCHOOLS ACT, 1891.

56 Victoria, Chapter 52.

[Assented to 27th May, 1893.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 6 of section 2 of *The High Schools Act, 1891*, is hereby amended by adding thereto the following words:—"Or whose parents or guardians are assessed for an amount equal to the average amount of resident ratepayers of the district."
54 V., c. 57, s. 2, s.s. 2, amended.

See *ante*, p. 254.

2. Section 31 of the said Act is amended by adding thereto the following sub-sections:—
54 V., c. 57, s. 31, amended.

(7). When any county council is required as herein provided to pay the proportionate maintenance of county pupils at any High School in the county, it shall be lawful for
Provision for maintenance of county pupils by municipality outside of the high school district.

Secs. 2, 3, 4. any municipality not included in a High School district to provide for the payment of its share of the proportionate maintenance of such county pupils, by assessment on the ratepayers of the municipality. The amount payable in such case shall be in the proportion which the equalized assessment of the municipality bears to the equalized assessment of all the municipalities of the county not included in any High School district.

See *ante*, p. 285.

54 V., c. 57, s. 35,
amended.

(8). When any rate is levied as aforesaid then such municipality shall not be liable for the payment of any other rates for High School purposes, and all money so collected shall be paid to the county treasurer on or before the 15th December in each year.

See *ante*, p. 286.

3. Section 35 of the said Act is amended by striking out the word "municipality" in the first line and inserting in lieu thereof the word "county."

See *ante*, p. 290.

54 V., c. 57, s. 37,
amended.

4. Section 37 of the said Act is amended by adding thereto the following sub-section:—

(4). The council of any municipality not included in a High School district may provide by assessment for the payment of any fees imposed by the county council on county

pupils or by the board of trustees on non-**Secs. 4, 5.**
resident pupils who reside in such municipality.

See *ante*, p. 292.

5. Nothing herein contained shall be taken Pending proceedings not affected.
or deemed to affect any action now pending
in any court of this Province with respect to ^{52 Vict., c. 57.}
any question raised under *The High Schools Act, 1891*.



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APPENDICES.

DEPARTMENTAL REGULATIONS.

I.—PUBLIC SCHOOLS.

SITE AND OUTSIDE PREMISES.

1. The following are the requisites for the site and outside premises of a Public School:

(1). Every school site should be on a well-travelled road, as far removed as possible from a swamp or marsh, and so elevated as to admit of easy drainage.

As to the meaning of "school site," see *ante*, p. 15.

(2). The school grounds should be properly levelled and drained, planted with shade trees and enclosed by a substantial fence. Every rural school should be provided with a woodshed.

As to the duty of rural school trustees to provide outbuildings, see *ante*, p. 52.

(3). There should be a well or other means for procuring water, so placed and guarded as to be perfectly secure against pollution from surface drainage or filth of any kind.

It is the duty of the trustees to see that this regulation is carried out. See *ante*, pp. 52 and 146.

(4). The area of the school site should be not less than half an acre in extent; and if the school population of the section exceeds seventy-five, the area should be one acre.

(5). The water-closets for the sexes should be several feet apart, and under different roofs. Their entrance should be screened from observation.

See remarks under sub-section 3, *supra*.

(6). Proper care should be taken to secure cleanliness and to prevent unpleasant and unhealthy odors.

See remarks under sub-section 3, *supra*.

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(7). Suitable walks should be made from the schoolhouse to the water-closets, so that the closets may be reached with comfort in all kinds of weather.

See remarks under sub-section 3, *supra*.

SCHOOLHOUSE.

2. The following are the requisites for the schoolhouse of a Public School :

(1). The schoolhouse should be placed at least thirty feet from the public highway.

(2). Where the average attendance of the section for the previous year exceeds fifty, the schoolhouse shall contain two rooms; where it exceeds one hundred, it shall contain three rooms—an additional room and teacher being required for each additional fifty pupils in average attendance.

(3). In each room the area occupied by the pupil's desk should be at least twelve square feet per pupil, and at least two hundred and fifty cubic feet of air space for each pupil.

(4). There should be separate entrances with covered porches and suitable cloak-rooms for boys and girls.

(5). The heating apparatus should be so placed as to keep a uniform temperature throughout the room of at least sixty-seven degrees during the whole school day.

(6). The windows (both sashes) should be adjusted by weights and pulleys, and provided with blinds; and light, when possible, should be admitted to the left of the pupil.

(7). Care should be taken to arrange for such ventilation as will secure a complete change of atmosphere three times every hour.

SCHOOL FURNITURE AND EQUIPMENT.

3. The following are the requisites for the school furniture and equipment of a Public School :

(1). The seats and desks should be so arranged that the pupils may sit facing the teacher. Not more than two pupils

should be allowed to sit at one desk; but single-seated desks are preferable.

(2). The height of the seats should be so graduated that pupils of different sizes may be seated with their feet resting firmly on the floor. The backs should slope backwards two or three inches from the perpendicular.

(3). The seats and desks should be fastened to the floor in rows, with aisles of suitable width between the rows; passages, at least three feet wide, should be left between the outside rows and the side and the rear walls of the room; and a space, at least five feet wide, between the teacher's platform and the front desks.

(4). Each desk should be so placed that its front edge may project slightly over the edge of the seat behind. The desk should be provided with a shelf for pupils' books, and the seat should slope a little towards the back.

(5). A sufficient number of seats and desks should be provided for the accommodation of all the pupils ordinarily in attendance at the school. There should be at least two chairs in addition to the teacher's chair.

The trustees should see that this regulation is complied with. *Ante*, pp. 53 and 145.

(6). The desks should be of three different sizes. The following dimensions are recommended:—

AGE OF PUPILS.	CHAIRS OR SEATS.			DESKS.			
	Height.		Slope of back.	Length.		Width.	Height next pupil.
	Front.	Rear.		Double.	Single.		
Five to eight years.....	12 in.	11½ in.	2 in.	36 in.	18 in.	12 in.	22 in.
Eight to ten years.....	13 "	12½ "	2 "	36 "	18 "	12 "	23 "
Ten to thirteen years.....	14 "	13½ "	2½ "	36 "	20 "	13 "	24 "
Thirteen to sixteen years....	16 "	15½ "	3 "	40 "	22 "	13 "	26 "

(7). There should be one blackboard at least four feet wide, extending across the whole room in rear of the teacher's desk, with its lower edge not more than two and a half feet above the floor or platform; and, when possible, there should be an additional blackboard on each side of the room. At the lower edge of each blackboard there should be a trough five inches wide for holding crayons and brushes, and for collecting the chalk dust, which should be removed every day.

The following directions for making a blackboard may be found useful:—

(a) If the walls are brick, the plaster should be laid upon the brick and not upon the laths, as elsewhere; if frame, the part to be used for a blackboard should be lined with boards, and the laths for holding the plaster nailed firmly on the boards.

(b) The plaster for the blackboard should be composed largely of plaster of Paris.

(c) Before and after having received the first coat of color, it should be thoroughly polished with fine sand paper.

(d) The coloring matter should be laid on with a wide, flat varnish brush.

(e) The liquid coloring should be made as follows:—Dissolve gum shellac in alcohol, four ounces to the quart; the alcohol should be 95 per cent. strong; the dissolving process will require at least twelve hours. Fine emery flour, with enough chrome green or lampblack to give color, should then be added until the mixture has the consistency of thin paint. It may then be applied in long, even strokes, up and down, the liquid being kept constantly stirred.

See remarks under next sub-section.

(8). Every school should have at least one globe not less than nine inches in diameter, properly mounted; a map of Canada; a map of Ontario; maps of the World and of the different Continents; one or more sets of Tablet lessons of Part I. of the First Reader; a standard Dictionary and Gazetteer; a numeral frame; a suitable supply of crayons and blackboard brushes; and an eight-day clock.

It is the duty of the trustees to provide the articles above-mentioned. See sections 40 (6) and 107 (4) of *The Public Schools Act, 1891*, ante, pp. 58 and 146.

SCHOOL HOURS.

4. (1). In rural schools the hours shall be from nine o'clock in the forenoon till four o'clock in the afternoon, but the trustees by resolution may, for the purpose of affording facilities for religious instruction or for any other proper purpose, prescribe a shorter period. In Kindergartens the time at school shall not exceed three hours per day.

The hours in kindergarten schools should also be fixed by resolution of the board of trustees.

(2). There shall be a recess of not less than ten minutes each forenoon and afternoon, and at least one hour shall be allowed for recreation during the middle of the school day.

(3). In cities, towns, and incorporated villages the trustees may, by resolution, order that any Public School under their charge shall be opened at half-past nine in the forenoon, and close at half-past three in the afternoon, with a recess from twelve till half-past one.

DUTIES OF PUPILS.

5. The following are the duties of pupils in Public Schools:

(1). Every pupil whose name is entered on the register of a Public School shall attend punctually and regularly every day of the school term in which his name is so entered; he shall be neat and cleanly in his person and habits, and diligent, truthful, honest, kind, courteous, respectful and obedient, and shall conform to all the rules of the school.

(2). Every pupil shall be present at the time prescribed for opening the school in the forenoon and afternoon.

(3). Any pupil absenting himself from school, except on account of sickness, shall be liable to such punishment as the teacher may lawfully inflict.

(4). No pupil shall be allowed to leave school before the hour appointed for closing, except in cases of sickness, or at the request, either oral or written, of the parent or guardian.

(5). Any pupil once admitted to school, and duly registered, shall continue in attendance regularly until he is withdrawn by notice to the teacher to that effect.

(6). Any pupil guilty of any of the following offences, namely:—(a) persistent truancy; (b) violent opposition to authority; (c) the repetition of any offence after being warned; (d) habitual and wilful neglect of duty; (e) the use of profane or improper language; (f) cutting, marring, destroying, or defacing any part of the school property; (g) writing any obscene words on the fences, water-closets, or any part of the school premises; (h) general bad conduct, injurious to the moral tone of the school; may be suspended by the teacher for one month, or until such suspension is removed on assurance of better conduct, or by order of the Board of Trustees.

(7). Whenever a teacher suspends a pupil for any of the causes herein named, he shall at once notify his parents or guardians, and the Board of Trustees, stating the reasons for such suspension.

(8). The parent or guardian of any pupil suspended may appeal to the Board of Trustees against the action of the teacher, and the decision of the Trustees shall be final.

(9). Any pupil who shall be judged so refractory by the Board of Trustees, and by the teacher, that his presence in the school is injurious to the other pupils may be expelled; and no such pupil shall be readmitted to any school without the written consent of the Public School Inspector.

As to the powers of trustees to dismiss refractory pupils, see sections 40 (5) and 107(6) of *The Public Schools Act, 1891*, ante, pp. 57 and 148.

(10). Pupils in cities, towns, and incorporated villages shall attend such school as may be designated by the trustees, and no transfer from one school to another shall be allowed without their consent.

(11). No pupil who is affected with or exposed to any contagious disease shall be permitted to attend school until he

produces the certificate of a medical man that there are no sanitary objections to his readmission.

The health of the pupils is a matter coming within the purview of *The Public Health Act*, and it is the duty of the teacher to take the steps provided by that Act and by section 130(11) of *The Public Schools Act, 1891*, to prevent the spread of infectious disease. See *ante*, p. 185, *et seq.*

(12). Any pupil absenting himself from an examination, or from any portion thereof, without permission of the teacher, shall not be admitted to any Public School, except by authority of the Inspector, in writing.

(13). Pupils shall be responsible to the teacher for their conduct on the school premises, and in going to or returning from school, except when accompanied by their parents or guardians, or by some person appointed by them or on their behalf.

We have seen—*ante*, p. 181, *et seq.*—that a teacher has delegated to him from the father or other lawful guardian of his pupil so much of the parental authority as is necessary to control the pupil and enforce the rules and discipline of the school, and to this extent, and until such authority is revoked, stands *in loco parentis*, and has the power of a parent to compel obedience to all reasonable commands by chastisement, if necessary, provided such chastisement is reasonable and moderate. The teacher has not, however, the *same* right to punish a pupil which a parent has to punish his child. He has no general right to punish for all offences, as a parent has. His right is restricted to the limits of his jurisdiction and responsibility as a schoolmaster. He may exact, within these limits, obedience to all reasonable commands, and may, in his discretion, inflict corporal punishment for disobedience to such commands. The punishment should not be excessive or cruel, and should bear some proportion to the gravity of the fault. It should be also graduated according to the age, strength, and mental condition of the pupil. (*Vanvacter v. State*, 3 Amer. St. R. 645; *R. v. Griffin*, 11 Cox, 402.)

See *ante*, p. 182, as to what is unlawful punishment.

(14). No pupil shall be allowed to remain in school unless he is furnished with the books and other requisites to be used by him in school, but it shall be lawful for the Board of Trustees to supply him with such books and other requisites.

(15). No pupil shall have the right to attend school unless and until he has paid all the fees imposed by the Board of Trustees for the current month or quarter, as the case may be,

for such books, stationery, and other supplies as are authorized under *The Public Schools Act*.

(16). Any school property or furniture injured or destroyed by a pupil shall be made good forthwith by the parent or guardian, under penalty of the suspension of the delinquent.

(17). Every pupil entitled thereto shall, on application, when he leaves or removes from a school, receive from the Principal a certificate of good conduct and standing.

DUTIES OF TEACHERS.

6. (1). In every Public School in which more teachers than one are employed, the head teacher shall be called the Principal, and the other teachers, Assistants.

(2). The Principal shall prescribe, with the concurrence of the Board of Trustees, the duties of the assistants, and shall be responsible for the organization and discipline of the whole school. He should consult the Inspector, when deemed necessary, with regard to a time-table, the Course of Study, or any other matter affecting the organization of the school.

7. In addition to the duties prescribed by the School Act, the following shall be the duties of every teacher in a Public School:—

(1). To see that the schoolhouse is ready for the reception of pupils at least fifteen minutes before the time prescribed for opening the school in the morning, and five minutes before the time for opening in the afternoon.

(2). To classify his pupils strictly according to the programme of studies prescribed by the Education Department, and to make no departure from such classification without the consent of the Board of Trustees and the Inspector.

(3). To prepare a time-table to be posted in some conspicuous part of the room for the guidance of himself and his pupils.

(4). To prevent the use by pupils of unauthorized text-books.

Should the teacher not perform his duty in this respect, his school will not be entitled to share in the legislative grant. *Ante*, p. 220.

(5). To make at the end of each school term, or at such other time as may be approved by the Inspector, and subject to revision by him, such promotions from one class to another as he may deem expedient.

(6). To practise such discipline in his school as would be exercised by a kind, firm, and judicious parent; to reprove his pupils with tenderness and becoming deliberation, and to aim at governing them through their affections and reason rather than by force; to encourage his pupils to entertain kindly feelings toward one another, to respect each other's rights, to be polite in and out of school, to form habits of honesty and truthfulness, to obey all persons in authority over them, to cultivate a patriotic interest in their country, and to discountenance quarrelling, cruelty to animals, and the use of profane and other improper language.

See remarks under section 5 (13), *supra*.

(7). To give strict attention to the proper ventilation and cleanliness of the schoolhouse; to make and enforce such rules as will ensure the keeping of the school grounds and outbuildings in a neat and cleanly condition.

(8). To see that the school grounds, sheds, and water-closets are kept in proper order; that no damage is done to the furniture, fences, outbuildings, or other school property; to give notice in writing to the Trustees of any necessary repairs or supplies.

(9). To employ, unless otherwise provided for, at such compensation as may be fixed by the Board of Trustees, a suitable person to make fires, sweep the rooms, dust the walls, seats, desks, and other furniture; but no teacher or pupil shall be required to perform such duty unless regularly employed for that purpose as herein provided.

(10). To make up all returns to the Inspector or the Education Department, as far as the information required can be supplied from the school register; and to furnish such other information affecting the interests of his school as may, from

time to time, be required by the Education Department or the Inspector.

(11). To attend regularly the Teachers' Institutes held in his county, and to contribute from his experience and observation to their general usefulness.

(12). To give immediate notice to the Trustees and Inspector of his absence from school through illness or other unavoidable cause.

(13). To conduct every exercise and recitation from the text-books prescribed for Public Schools in the English language. All communication between teacher and pupil in regard to matters of discipline and in the management of the school shall be in English, except so far as this is impracticable by reason of the pupil not understanding English. Recitations in French or German may be conducted in the language of the text-book.

(14). To take up no collections or subscriptions from the pupils; to make no announcements, nor distribute bills or advertisements, except for school purposes, without the consent of the Board of Trustees.

(15). To receive no presents from the pupils, except when severing his connection with the school; nor to give any medal or prize to any pupil without the consent of the Board of Trustees.

(16). To avoid making up lost time by teaching on a holiday or during vacations. Any attendance during such time shall be disallowed by the Inspector.

COURSE OF STUDY.

8. (1). The Course of Study for Public Schools shall be taken up in five forms, as set forth below, and shall be followed by the teacher as far as the circumstances of his school will admit. Any modifications deemed necessary shall be made only with the concurrence of the Inspector and the Board of Trustees.

(2). In school sections where the French or the German language prevails, the Trustees, with the approval of the Inspector, may, in addition to the course of study prescribed for Public Schools, require instruction to be given in Reading, Grammar, and Composition to such pupils as are directed by their parents or guardians to study either of these languages, and in all such cases the authorized text-books in French or German shall be used. But nothing herein contained shall be construed to mean that any of the text-books prescribed for Public Schools shall be set aside because of the use of the authorized text-books in French and German.

(3). The Trustees of any rural school may by resolution, passed at a regular meeting of the board, require the authorized text-book in Agriculture to be used in the Fourth and Fifth forms of the school, and in such cases the Inspector shall report to the Trustees at least annually the standing of the pupils in this subject. The extent of the course in each form shall be determined by the teacher, subject to the approval of the Inspector.

(4). The course for the High School Primary Examination, with the Science option, may be taken up in any Public School, with the consent of the Board of Trustees and the Public School Inspector.

Form I.

Reading.—The use of the Tablets and Parts I. and II. of the First Reader.

Spelling and Writing.—From reading lessons, on slates and orally, writing from blackboard copies—simple letters and words.

Geography.—Conversations respecting the earth; explanation of any references to places that occur in the reading lessons.

Grammar and Composition.—Oral exercises in language, correction of common mistakes in conversation.

Arithmetic.—Notation and numeration to 1,000; addition and subtraction; mental arithmetic.

Drawing.—The exercises in First Reader and blackboard exercises.

Form II.

Reading.—The Second Reader; easy questions in the literature of every lesson.

Spelling and Writing.—Oral spelling, and dictation on slates and paper; writing on slates; blackboard exercises; copy-books in senior divisions.

Geography.—Local geography and elementary definitions; map of the world.

Grammar and Composition.—Oral and written exercises in language; correction of common mistakes in conversation.

Arithmetic.—Notation and numeration to 1,000,000; multiplication and division; mental arithmetic.

Physiology and Temperance.—Conversations on temperance, the use of alcoholic stimulants, and the laws of health.

Drawing.—Authorized Drawing Course, Nos. 1 and 2.

Form III.

Reading.—The Third Reader; literature of every lesson.

Spelling and Writing.—Course in Form II. continued; copy writing; business forms.

Geography.—Definitions; simple Map geography; North America and Ontario; map drawing.

Grammar and Composition.—Classes of words and their inflections; simple descriptive writing and letter writing.

History.—Conversations on British and Canadian History.

Arithmetic.—Bills and accounts; elementary reduction; compound rules; mental arithmetic.

Physiology and Temperance.—Conversations on temperance;

the physical effects of intoxicating liquors; importance of exercise, etc.

Drawing.—Authorized Drawing Course, Nos. 3 and 4.

Form IV.

Reading.—The Fourth Reader; the literature of every lesson.

Spelling and Writing.—Systematic orthography and orthoëpy; business forms and single entry, without a text-book.

Geography.—Geography of the continents, Canada and Ontario; map drawing.

Grammar and Composition.—Elements of formal grammar and composition. Descriptive, narrative, and letter writing.

History.—Leading events in Canadian History. Oral teaching of British History.

Arithmetic.—Review of elementary work, multiples, fractions, percentage, interest, mental arithmetic.

Physiology and Temperance.—Digestion, respiration, the circulation of the blood, and the nervous system. The effects of alcohol and narcotics. Exercise; cleanliness.

Drawing.—Authorized Drawing Book No. 5.

Writing.—Authorized copy book No. 6.

Form V.

Reading.—A general knowledge of the principles of orthoëpy and of elocution; reading, spelling, and syllabication.

Grammar and Composition.—Etymology and syntax; exercises chiefly on passages from prose authors not prescribed; themes on familiar subjects; familiar and business letters.

English Poetical Literature.—Intelligent comprehension of and familiarity with the prescribed selections; memorization of the finest passages; oral reading of the selections.

History and Geography.—The leading events of British History—the nineteenth century more particularly. Commercial

and physical geography. Geography of Canada and the British Empire more particularly.

Arithmetic and Elementary Mensuration.—Arithmetic in theory and practice ; special attention to commercial problems ; insurance, simple and compound interest ; averaging accounts ; discount, stock, bonds and partnership ; area of rectilinear figures.

Algebra.—Elementary rules ; fractions ; simple equations of one unknown quantity ; simple problems.

Euclid.—Book I., propositions 1-26 ; easy deductions.

Commercial Course.—Writing ; bookkeeping, single entry ; commercial forms ; general business transactions.

Drawing.—Drawing Book No. 6.

Physiology and Temperance.—The course in the Fourth form continued, and including also the other subjects in the text-book.

Agriculture.—The course to be determined by the teacher, subject to the approval of the Inspector.

Physics and Botany.—The courses in these subjects may be determined by the teacher, subject to the approval of the Inspector. They should be mainly experimental and practical, and without the use of a text-book.

SPECIAL DIRECTIONS.

First Three Forms.

Reading and Literature.—The First Part of the First Reader should be taught from the blackboard and the Tablet Lessons. The pupil should practise reading by phrases with the first lessons, and such explanations should be given as would enable him to read intelligently, and in the easy natural manner which characterizes good conversation. Clearness, fluency, force, and naturalness are essential to good reading. Pupils in every form should be required regularly to commit to memory selected passages in prose and verse, to give the meaning

of what they read, and to make, from time to time, a summary of the reading lessons in their own language.

Geography.—The schoolhouse and its surroundings, with which the pupils are familiar, should be taken as the first subject of lessons to give correct ideas of boundary and direction. Map drawing should be practised from the beginning. Definitions in Physical Geography should be fully illustrated in all cases by blackboard drawings or otherwise. The teacher should teach this subject in the First and Second forms by means of familiar talks about the natural phenomena of different countries, the peculiarities of different races, the birds and animal of different zones, etc.

Grammar and Composition.—Grammar should be taught at first mainly as the basis of composition. The essential parts of the simple sentence, the functions and definitions of the parts of speech, and the rules for inflection should be arrived at by induction. Pupils should be practised in sentence-building and the correction of common mistakes in English. Every school exercise, whether oral or written, should, as far as possible, be made an exercise in composition. The teacher should use especial care in requiring good English from his pupils in all their answers in class or in conversation.

History.—The principal events in Canadian history, with their bearing upon the progress of Canada, should be discussed. Care should be taken to explain thoroughly our Municipal and Federal forms of Government, and the principal events of British history, without unnecessary details or unimportant dates. A comprehension of leading facts and general principles is more valuable than the most accurate knowledge of details, if unaccompanied by ability to distinguish what is important from what is not. Throughout the course the teacher should bear in mind the interesting and valuable lessons that may be deduced from the lives of the men and women who have played a prominent part in history.

Arithmetic.—Systematic training in mental arithmetic should

prevail in all the classes. Accuracy and expertness in performing elementary operations are of the first importance. Problems based on the elementary rules should be given from the commencement. Great stress should be laid on the solution of questions by the Analytic Method.

Writing.—Neat and legible writing and the proper formation of the small and capital letters should be aimed at.

Drawing.—The drawing exercises in Parts I. and II. of the First Reader and the authorized Drawing Book should be used. Pupils should be encouraged to expand these exercises into original designs.

Fourth Form.

Reading.—A general knowledge of the elements of vocal expression, with special reference to emphasis, inflection, and pause. The reading, with proper expression, of any selection in the Fourth Reader. The pupil should be taught to read intelligently as well as intelligibly.

Literature.—The object of the study is to secure the pupil's intelligent comprehension of and familiarity with the lessons in the reader. To this end, he should be taught to give for words or phrases meanings which may be substituted therefor, without impairing the sense of the passage; to illustrate and show the appropriateness of important words or phrases; to distinguish between synonyms in common use; to paraphrase difficult passages so as to show the meaning clearly; to show the connections of the thoughts in any selected passage; to explain allusions; to write explanatory or descriptive notes on proper or other names; to show that he has studied the lessons thoughtfully by being able to give an intelligent opinion on any subject treated of therein that comes within the range of his experience or comprehension; and especially to show that he has entered into the spirit of the passage by being able to read it with proper expression. He should be required to memorize passages of special beauty from the selections prescribed, and to reproduce in his own words the substance of

any of these selections, or of any part thereof. He should also obtain some knowledge of the authors from whose works these selections have been made.

Orthography and Orthoëpy.—The pronunciation, the syllabication, and the spelling from dictation of words in common use. The correction of words improperly spelt or pronounced. The distinction between words in common use in regard to spelling, pronunciation, and meaning.

Writing.—Besides writing the regular copy-book exercises, the pupil should be taught letter writing, simply business forms, and how to keep simple accounts by single entry.

Geography.—The form and the motions of the earth. The definitions as contained in the authorized text-book; divisions of land and water; circles of the globe; political divisions; natural phenomena. Maps of America, Europe, Asia, and Africa. Maps of Canada and Ontario, including the railway systems. The products and the commercial relations of Canada.

Grammar.—The sentence; its different forms. Words; their chief classes and inflections. Different grammatical values of the same word. The meanings of the chief grammatical terms. The grammatical values of phrases and of clauses. The government, the agreement, and the arrangement of words. The correction, with reasons therefor, of wrong forms of words and of false syntax. The parsing and analysis of simple sentences.

Composition.—The nature and construction of different kinds of sentences. The combination of separate statements into sentences. The nature and the construction of paragraphs. The combination of separate statements into paragraphs. Variety of expression, with the following classes of exercises: changing the voice of the verb; expanding a word or a phrase into a clause; contracting a clause into a word or a phrase; changing from direct to indirect narration, or the converse; transposition; changing the form of a sentence;

expansion of given heads or hints into a composition; the contraction of passages; paraphrasing prose; the elements of punctuation. Short narratives or descriptions, and familiar letters, to which most attention should be given.

History.—The outlines of Canadian history generally, with particular attention to the events subsequent to 1841. The municipal institutions of Ontario, and the Federal form of the Dominion Government. The outlines of British history shall also be taught without a text-book; but there will be no questions in British history at the High School Entrance Examination.

Every Form.

Physiology and Temperance.—In addition to the study of this subject as prescribed for the Fourth and Fifth forms, at least one hour per week shall be devoted to familiar conversations with the whole school on the effect of alcoholic stimulants and of narcotics upon the human system. Attention should also be called to the degrading tendencies of their habitual use, and their injury to the individual and society generally.

Teachers are also required to make suitable comments upon the Act respecting the use of Tobacco by Minors, the text of which is in this Appendix, two or three times each school term, so that it may be brought more prominently to the notice of both scholars and parents, and thus become more effective in accomplishing the good aimed at.

Music.—The Kindergarten songs shall be taught in the First form. Rote-singing; musical notation in the other forms. The study of music should be treated as a matter of primary importance.

Drill and Calisthenics.—The different extension movements prescribed in the authorized text-book on the subject should be frequently practised, not only during recess, but during school hours. In addition, the boys should be formed into companies and taught the usual squad and company drill, and the girls should be exercised in calisthenics. Accuracy and promptness should characterize every movement.

Moral and Religious Instruction.—No course of moral instruction is prescribed. The teacher shall, however, by his personal example and by instruction as well as by the exercise of his authority, imbue every pupil with respect for those moral obligations which underlie a well-formed character. Respect for those in authority and for the aged, courtesy, manliness, reverence, temperance, truthfulness, honesty, etc., can best be inculcated as the occasion arises for referring to them. The religious exercises of the school should be conducted without haste and with the utmost reverence and decorum. Trustees and teachers will be guided as to the nature and extent of religious instruction by the Regulations on this subject.

See *ante*, p. 24, and s. 81 of these Regulations as to religious instruction.

Reviews and Recitations.—Every Friday forenoon should be devoted to a review of the week's work, and the afternoon to exercises tending to relieve the usual routine of the school-room, while promoting the mental and moral culture of the pupils. The teacher should encourage the pupils to prepare dialogues, readings, recitations and songs for the Friday afternoon school sessions. He should also choose some topic for a familiar lecture or for discussion, or read some literary selections, making such comments as are likely to promote a love of reading and quicken the interest of the scholars in the work of the school. Familiar illustrations in Elementary Science should be given. The girls should receive suitable instruction in plain sewing.

PUBLIC SCHOOL LEAVING EXAMINATION.

General.

9. (1). There shall be a uniform Public School Leaving Examination to be held at the same time and places and by the same Board of Examiners as the High School Entrance Examination.

See *ante*, p. 200.

(2). Candidates who propose writing at the Leaving Exami-

nation shall notify the Inspector, at the same time as when notices are sent with respect to the Entrance Examination.

(3). The provisions of the Regulations and *The High Schools Act, 1891*, respecting the High School Entrance Examinations shall apply to the Public School Leaving Examinations, *mutatis mutandis*.

See *ante*, p. 293.

(4). The Public School Leaving Examination shall be based on the subjects prescribed for the Fifth form of the Public Schools.

See *ante*, p. 324.

(5). Each candidate shall submit for examination his school work in bookkeeping and commercial transactions, to the extent of one set at least of ten foolscap pages or the equivalent thereof, comprising the necessary books of original entry with cash book, journal, ledger and bill book. The set shall be specially suitable for farmers and artisans, or for retail merchants and general traders. Three accounts shall be made from the set in proper form and submitted to the examiners. The candidates shall also submit at least two examples of each kind of commercial forms and correspondence pertaining to the set. A descriptive index shall accompany the set, and the transactions in a set worked out in a school shall be different from year to year.

(6). It is recommended that candidates for the Public School Leaving Examination, who intend to enter a High School shall, before doing so, pass also the High School Primary Examination in Reading, Drawing, and the Commercial Course.

(7). In Drawing, candidates will submit Book No. 6 of the Drawing course prescribed for Form V., which book may be substituted for one of the Drawing books, prescribed for the High School Primary Examination in Drawing, Reading, etc., in the case of candidates prepared at Public Schools for both this examination and the Public School Leaving Examination. Such book and the work submitted in Bookkeeping shall be

certified by the candidate's teacher or teachers as being the work of the candidate.

(8). At the examination in Composition candidates will be required to write an essay or a letter about sixty lines in length.

(9). The paper on Literature will be based partly on "Sight work," and partly on one or more passages from prescribed selections.

Values of Subjects.

(10). In reading the papers the Examiners shall be guided by the following schedule of marks and instructions:—

Arithmetic and Mensuration.....	200
Euclid and Algebra.....	150
English Grammar.....	150
English Poetical Literature.....	150
English Composition (Essay or Letter).....	100
History	100
Geography	100
Bookkeeping and Penmanship.....	100
Physiology and Temperance.....	75
Drawing	50
Reading.....	50

(11). Of the marks for Bookkeeping and Drawing, one-half will be assigned to the paper on the subject and the other half may be awarded by the examiners as the result of the inspection of the candidate's works submitted in Bookkeeping and Drawing.

Reports, Certificates, and Appeals.

10. (1). Any candidate who obtains one-third of the marks in each subject, and one-half of the aggregate shall be reported by the Board of Examiners as having passed the Examination for a Public School Leaving Certificate. Only those who fail to reach the standard prescribed in some subject, but who have made considerably more than the aggregate marks required

should be recommended to the favorable consideration of the Minister of Education.

(2). Candidates who pass the Public School Leaving Examination shall be entitled to admission into the classes in Form II. of a High School, in the subjects of the Public School Leaving Examination.

(3). Candidates who fail at the Public School Leaving Examination but who obtain 25 per cent. of the maximum of marks for each subject thereat, may, on the recommendation of the Board of Examiners, be awarded a High School Entrance certificate.

(4). The names of candidates passed or recommended shall not be published until after the decision of the Minister has been received.

(5). The report of the Examiners, together with the answer papers of the candidates, shall be transmitted by the Inspector to the Education Department (charges prepaid), on or before the 20th of July in each year. The Drawing book and Book-keeping sets shall be returned to the candidates at the close of examination.

(6). Candidates may claim to have their papers re-read and their Drawing books and Bookkeeping sets re-examined upon the following conditions:—

(a) The appeal or claim must be in the hands of the Minister of Education on or before the 15th of August, and the ground of the appeal must be specifically stated. The Examiners shall dispose of all appeals without delay, and no appeal shall subsequently be entertained on any ground whatever.

(b) A deposit of \$2 must be made with the Department, which deposit will be returned to the candidate if his appeal or claim is sustained.

(6). Commencement exercises shall be held in each Public School at a suitable time during the autumn of the year, at

which diplomas, medals, or certificates may be presented to the successful candidates.

TIME-TABLE.

First Day.


A.M.	8.45	Reading Regulations.
	9.00-11.00	English Grammar.
	11.10-12.40	Geography.
P.M.	2.00- 4.00	English Composition.

Second Day.

A.M.	9.00-11.00	Arithmetic and Mensuration.
	11.10-12.20	Drawing.
P.M.	1.30- 3.00	History.
	3.10- 5.10	Bookkeeping and Penmanship.

Third Day.

A.M.	9.00-11.00	Algebra and Euclid.
	11.10-12.30	Physiology and Temperance.
P.M.	2.10- 4.00	English Poetical Literature.

 Reading may be taken on the above days at such hours as may suit the convenience of the Examiners.

NIGHT SCHOOLS.

11. (1). The night school term shall begin on the first of October and close on the thirty-first of March. The session shall not exceed two and a half hours per night.

(2). The course of study shall be limited to the subjects prescribed for Public Schools. No pupil shall be admitted to a night school who is under fourteen years of age or who attends school during the day. The Regulations of the Education Department with respect to the duties of teachers and pupils, and the use of text-books, shall apply to night schools.

(3). Except with the sanction of the Minister of Education, no person shall teach a night school who does not hold a certificate to teach a Public School, and no part of the Legislative grant shall be paid to any Board of Trustees until the annual report required by the Department is certified by the Trustees and the Inspector.

See *ante*, pp. 4 and 148.

II.—HIGH SCHOOLS AND COLLEGIATE INSTITUTES.

CONDITIONS OF EXISTENCE.

12. The following are the requirements of a High School established after the first of July, 1891 :—

- (1). No connection with a Public School as regards premises.
- (2). A site of at least half an acre in extent, well fenced, well drained, planted with shade trees, and suitably provided with walks in front and rear.
- (3). A playground, and all other necessary provision for physical exercise.
- (4). A well or other means of supplying pure drinking water.
- (5). Water-closets for the sexes, separate and in separate yards, and properly screened from observation.
- (6). A building large enough to provide ample accommodation for every pupil in attendance, with all necessary provision for light, heat, and ventilation, and two entrances with covered porches.
- (7). Suitable separate cloak-rooms for boys and girls, furniture, desks, blackboards, and maps, apparatus, and Library of reference of the maximum value recognized for schools with two masters.
- (8). A Principal, and at least two assistants.

13. In case a High School Inspector reports that the equipment of any High School or Collegiate Institute is insufficient or unsuitable; or that the grounds are too limited in area; or that the school building is inadequate for the accommodation of the pupils; or that the staff or any member thereof is inefficient; or that the staff is insufficient for the attendance or for the number of subjects taken up; the Minister of Education will forthwith notify the Chairman of the Board of Trustees, and on the neglect or refusal of the said Board to remedy within a reasonable time the defect complained of, the Legislative grant may be withheld from such High School or Collegiate Institute until such time as the regulations are complied with.

14. (1). No High School shall be raised to the status of a Collegiate Institute without such a minimum equipment in the way of library, physical and chemical apparatus, gymnasium, maps and globes, as is the maximum recognized for High Schools with three or more masters.

(2). Any Collegiate Institute that fails to comply with the conditions prescribed herein for the status of a Collegiate Institute may, on the joint report of the High School Inspectors, be reduced to the rank of a High School, and deprived of the special Legislative grant, at the discretion of the Minister of Education.

DISTRIBUTION OF GRANT.

15. The Annual Legislative Grant to High Schools and Collegiate Institutes shall be distributed on the following basis, so far as the annual appropriation made by the Legislature will admit thereof, namely:—

The annual appropriation is payable half-yearly to the treasurer of each High School board in such manner as may be determined by the Lieutenant-Governor in Council, and notice of the apportionment is to be given to the county clerk. (*Ante*, p. 299.)

I.—FIXED GRANTS.

- | | |
|---|----------|
| (1) High Schools and Collegiate Institutes..... | \$375 00 |
| (2) Collegiate Institutes, in lieu of grant on equipment. | 275 00 |

II.—CONDITION AND SUITABILITY OF SCHOOL PREMISES.

- (1) High Schools with two masters.....*max.*, \$100 00
 (2) Other High Schools..... " 150 00
 (3) Collegiate Institutes..... " 200 00

III.—EQUIPMENT.

(1) Ten per cent. of the total approved expenditure on equipment will be allowed. The maximum recognized in each case shall be as follows:—

(a) High Schools with two masters :

- (a) Library..... \$300 00
 (b) Physical and Chemical apparatus..... 300 00
 (c) Maps and Globes..... 50 00
 (d) Gymnasium (not including equipment). 350 00
max., \$100 00

(b) High Schools with three or more masters :

- (a) Library..... \$600 00
 (b) Physical and Chemical apparatus..... 600 00
 (c) Maps and Globes..... 100 00
 (d) Gymnasium (not including equipment). 700 00
max., \$200 00

(2). When the value of the library has reached the maximum herein recognized, ten per cent. of the yearly expenditure by the High School Board on supplementary reading in English Literature will be allowed.

(3). The record of the equipment shall be made from time to time in the prescribed catalogue by the Principal, who shall be responsible for the safe-keeping of both equipment and catalogue.

IV.—SALARIES.

Ten per cent. of expenditure on salaries over \$1,500.

max., \$600 00

V.—AVERAGE ATTENDANCE.

The remainder of the Grant, after providing for the other items, shall be distributed on the basis of average attendance.

VI.—REQUIREMENTS OF GRADING.

There shall be four grades under items (1)-(14) below, and in items (1), (2), (3), (4), (6), (7), (8), and (9), the grading shall be one degree lower in the case of a Union School building than it would be if the High School were in a separate building.

(1). *Water Closets*.—If outside, to be convenient to the school building, but far enough removed to prevent contamination of the air breathed by the pupils. Separate closets for the sexes, under separate roofs, at least several feet apart, each containing separate compartments with doors (four for the first fifty in attendance, and one for each subsequent fifty); the boys' to be of glazed brick or similar material; or, when of wood, to be painted in a dark color and sanded. Urinals for the boys; also divided into compartments, and properly placed. In the case of Union Schools, the closets for the use of High School pupils must be separate and distinct from those for the use of Public School pupils. Separate and locked closets for the teachers. Entrances of closets screened from observation. Provision for cleaning and deodorizing the closets and urinals at suitable intervals. Suitable walks from school building to closets, so that they may be reached with comfort in all kinds of weather. A high board fence between boys' and girls' side, from the closets to the school building. If the water-closets are inside the school building, the above conditions must be satisfied *mutatis mutandis*.

(2). *Water Supply*.—A good well or other supply of pure water on the premises; water filters or tanks, in the school building, with provision for frequent replenishment; lavatories in the halls, cap-rooms, or waiting-rooms. If the supply be from waterworks, a sufficient number of suitable taps. Grades I. and II. are given when the water supply is inside the school building; Grade III. being a good well.

(3). *School Grounds*.—To be used for High School purposes only; well situated and easily accessible; of not less than one acre. Grounds properly levelled and drained; planted with shade trees and ornamental trees and shrubs; laid out with flower beds and grass plots in front of the school building. Separate playgrounds for the sexes. Grounds well fenced (ornamental fence in front), with separate entrances and walks for the sexes. Suitable provision for keeping the grounds in good order.

(4). *External Appearance of School Building*.—Building separate from Public School building; placed at least thirty feet from the public highway, and remote from any disturbing noises; of good architectural appearance. Under this head the site and the appearance of the building are considered.

(5). *Class Rooms*.—A room in which all the pupils can assemble. Class-rooms conveniently arranged and tasteful in appearance; well proportioned and oblong in shape; twelve square feet on the floor and at least two hundred and fifty cubic feet of air space for each pupil; ceilings white; walls colored French gray or a light stone color preferred; floors in good order; a suitable platform for the teacher's desk; in three and more masters' schools a special class-room for the teaching of science; in two masters' schools, provision for science teaching in one of the rooms; suitable provisions for cleaning and dusting; separate entrances to each class-room for the sexes.

(6). *Halls*.—Of suitable size and convenient arrangement; separate and with separate main entrances for the sexes; with covered porches or other suitable provision of this nature; separate means of egress to the water-closets; if the building is of two stories, separate and suitable staircases for the sexes; door mats and scrapers.

(7). *Waiting Rooms*.—Of suitable size and convenient arrangement; separate for the sexes; suitably furnished with benches.

(8). *Cap Rooms*.—Of suitable size and convenient arrangement; separate for the sexes; furnished with cap-hooks.

(9). *Teachers' Private Rooms.*—At least one for the joint use of the staff; of suitable size and convenient arrangement; suitably and comfortably furnished. In schools with large staffs, a separate room for the assistant masters and for the female assistants.

(10). *Desks.*—Sufficient for the attendance; of suitable size and finish; single preferred, with movable seats and adjustable lids; placed at proper intervals; a suitable desk and chair in each class-room for the teacher; at least two visitors' chairs in each class-room. Suitable tables in the laboratory for experimental work by the teacher and pupils. Single desks are Grade I., double desks Grade II., with suitable provision for practical work in science in each case; otherwise the grading is one degree lower.

(11). *Blackboards.*—Of sufficient extent and good quality; at a suitable distance from the floor, and properly placed in regard to light. Troughs to hold chalk dust. A proper supply of erasers.

(12). *Lighting.*—Of sufficient quantity; windows large and numerous, with large panes; lower ledges on a level with the tops of the heads of the pupils. Grade I. is given, only when the light is from the left. Opaque blinds where needed.

(13). *Heating.*—If by stoves, of sufficient capacity; they and the stove pipes being so placed that all parts of each room may be properly warmed. Stoves surrounded by fire screens, if near the desks. A water-can on each stove. A proper supply of wood or coal boxes. If by hot air, hot water, or steam, the quantity and distribution of heat to be sufficient. Stoves or other heating apparatus in good condition. A thermometer in each class-room. A uniform temperature of 67 degrees maintained in winter. Provision for heating the halls, waiting-rooms, cap-rooms, gymnasium, and teachers' private rooms, as well as the class-rooms. Grades I. and II. are given only in the case of schools heated with hot air, steam pipes, or hot water pipes.

(14). *Ventilation*.—Proper provision in each room for the ingress of pure warm air, and the egress of foul air, so that there may be a complete change at least three times every hour. Windows (with sashes) adjustable by weights and pulleys, so as to be readily lowered from above and raised from below. Movable fan-lights over each class-room door. The gymnasium also must be ventilated.

(15). *Gymnasium*.—The sizes best adapted for a gymnasium according to the capacity required are: 80 x 40; 70 x 35; 60 x 30. The windows in the sides of the building should be placed as high as possible; each should be about three feet high and about six feet wide and should work on pivots; there should be as many of them on both sides as can be put in; there should be a large window or several windows in one end of the building, the other end being a dead wall. The doors should be placed at the end of the building containing the window or windows. The floor may be either, preferably wholly planked and mattresses provided, or partially planked, in which case the end of the building having the dead wall should have a plank floor for about twenty feet from the wall. The trapeze and flying rings should be in the central portion of the building, the point from which they are suspended being sixteen feet from the ground; the point of suspension for the row of side rings may be any height from thirteen to sixteen feet from the ground. If heated with a stove, it and the stationary gymnastic apparatus should be properly placed at the end of the building containing the doors and windows. In the case of floors partially planked, the flooring, except at the dead wall end of the building, should consist of sawdust or sand about one foot and a half deep; this should be sprinkled with water every morning about an hour before the first class commences to exercise, and again at noon if necessary; the supply of sawdust must be frequently renewed. A locker and racks and stands should be provided, where the movable appliances can be securely kept when not being used by the class.

VII.—SCHEDULE OF DISTRIBUTION.

The Grant on the grading of the school premises shall be distributed according to the following scheme :—

	Water Closets.	Water Supply.	School Grounds.	School Building.	Class Rooms.	Halls.	Waiting Rooms.	Cap Rooms.	Private Rooms.	Desks.	Blackboards.	Lighting.	Heating.	Ventilation.
TWO MASTERS' HIGH SCHOOLS—	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.
	6 00	3 00	15 00	6 00	24 00	3 00	3 00	3 00	3 00	9 00	3 00	6 00	6 00	10 00
		4 50	2 50	4 50	20 00	2 50	2 50	2 50	2 50	7 50	2 50	4 50	4 50	7 50
		3 00	2 00	7 50	3 00	16 00	2 00	2 00	2 00	6 00	2 00	3 00	3 00	5 00
		1 50	1 00	3 75	1 50	12 00	1 50	1 50	1 50	4 50	1 50	1 50	1 50	2 50
THREE OR MORE MASTERS' HIGH SCHOOLS—														
	9 00	4 50	22 50	9 00	36 00	4 50	4 50	4 50	4 50	13 50	4 50	9 00	9 00	15 00
	6 75	3 25	18 25	6 75	30 00	3 75	3 75	3 75	3 75	11 25	3 75	6 75	6 75	11 25
	4 50	2 00	11 25	4 50	24 00	3 00	3 00	3 00	3 00	9 00	3 00	4 50	4 50	7 50
	2 25	1 00	5 65	2 25	18 00	2 25	2 25	2 25	2 25	6 75	2 25	2 25	2 25	3 75
COLLEGIATE INSTITUTES—														
	12 00	6 00	30 00	12 00	48 00	6 00	6 00	6 00	6 00	18 00	6 00	12 00	12 00	20 00
	9 00	4 00	25 00	9 00	40 00	5 00	5 00	5 00	5 00	15 00	5 00	9 00	9 00	15 00
	6 00	2 00	15 00	6 00	32 00	4 00	4 00	4 00	4 00	12 00	4 00	6 00	6 00	10 00
	3 00	1 00	7 50	3 00	24 00	3 00	3 00	3 00	3 00	9 00	3 00	3 00	3 00	5 00

GENERAL.

16. (1). In every High School or Collegiate Institute the head teacher shall be called the Principal, and the other teachers, Assistants.

(2). It shall be the duty of the Principal to determine the number of pupils in each Form, the division of subjects among his assistants, and the order in which each subject shall be taken up by the pupils, and to make such promotions from one Form to another as he may deem expedient.

(3). The regulations respecting the duties of teachers and pupils, and the hours for study in High Schools shall be the same as those prescribed for Public Schools, except as herein otherwise provided.

As to the duties of teachers and pupils, see *ante*, pp. 316 and 318; and as to hours of study, see *ante*, p. 316.

(4). Except when the Public and the High School occupy the same building, the Principal of the High School shall not be Principal of the Public School.

COURSES OF STUDY.

17. (1). The High School subjects of study shall be taken up in four Forms. The Principal is not restricted in the sub-division of Forms, and he shall arrange the upper limit of Form I. to suit the requirements of his school; but it is recommended that the Commercial Course shall be completed in Form I.

(2). The regular subjects of study in Forms I. and II. shall consist of Reading, English Grammar, English Composition, Rhetoric, English Poetical Literature, History and Geography, Arithmetic and Mensuration, Algebra, Euclid, the Commercial Course, and Drawing, with Latin, or French, or German, or Physics and Botany; in Form III., of English Grammar, English Composition, Rhetoric, English Poetical Literature, History and Geography, Arithmetic and Mensuration, Algebra, Euclid, and Chemistry, with Latin, or Greek, or French, or German, or Physics; and in Form IV., of English Grammar,

Philology, Rhetoric, and Prosody; English Composition, English Poetical Literature, History and Geography, Algebra, Euclid, and Trigonometry, with Greek and Latin, or French and German, or Chemistry, Physics, Botany, and Zoology. The special subjects required for pass Senior Matriculation into any of the Universities of Ontario may be taken up in Form IV. in addition to the regular subjects prescribed.

18. (1). Every High School pupil shall pursue the course prescribed in the Form to which he is assigned.

(2). Candidates for the Primary Examination shall take the full Commercial Course and any two of the books prescribed in the course in Drawing in Forms I. and II.; and the minimum for all other pupils shall be, in Bookkeeping, the single entry set and any one of the double entry sets, with the commercial forms; and, in Drawing, any one of the prescribed books.

(3). Pupils in Forms III. and IV. preparing for the Matriculation Examination into any of the Universities or the Learned Societies of Ontario, may take those subjects only that are required for their examination.

(4). The Commercial Course, Reading, and Drawing may be continued in the higher Forms, and Agricultural Chemistry, Physiology and Temperance, Vocal Music, and Stenography may be taught in any Form, at the option of the Board of Trustees and the Principal.

(5). Any pupil may take, in addition to the subjects in the course selected, such other subjects as may be agreed upon by his parents or guardian and the Principal of the High School; but no subject not prescribed in the regular High School courses of study shall be taught in any High School or Collegiate Institute without the consent of the Minister of Education.

19. (1). Throughout all the school terms—Writing shall be taught at least twice a week in the lowest division of Form I., each lesson being not less than half an hour in length ; and the subject shall also be taken up in connection with Book-keeping in the other divisions ; Reading shall be taught at least twice a week in each of the divisions of Forms I. and II., each lesson being not less than half an hour in length ; and the subject shall also be taken up in connection with English Literature in all the forms ; Drill, Gymnastics, and Calisthenics shall be taught, during the regular school hours and in well organized classes, not less than an hour and a half a week in each division of Forms I. and II. ; and not less than an hour a week in the other Forms ; and additional provision shall be made for practice by the pupils under efficient supervision. In High Schools which have no Gymnasium, Gymnastics is not obligatory, and Drill and Calisthenics shall be taken up only in suitable weather and in accordance with the circumstances of each school. The time required for Reading and Writing shall be separately apportioned on the time-table of the school and devoted to the teaching of them alone ; and when the average number in a class exceeds twenty-five, more time than the minimum prescribed shall be given.

(2). No pupil shall be exempted from the prescribed course in Drill, Gymnastics and Calisthenics, except upon a medical doctor's certificate, or on account of evident physical defects ; and every pupil in the Forms concerned shall be required to take the course prescribed in Reading and Writing.

(3). In the case of a High School with a Gymnasium, no grant will be made on this part of the equipment unless the full time is allowed for Drill, Gymnastics, and Calisthenics, and the work done is of a satisfactory character, as certified by the visiting High School Inspector.

20. The following are the details of the regular High School Courses of Study :

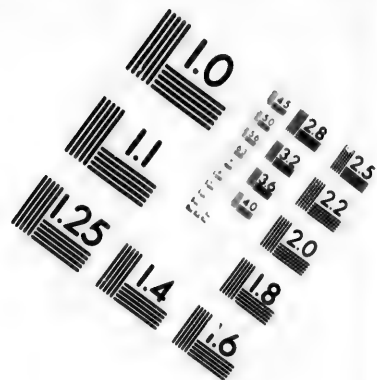
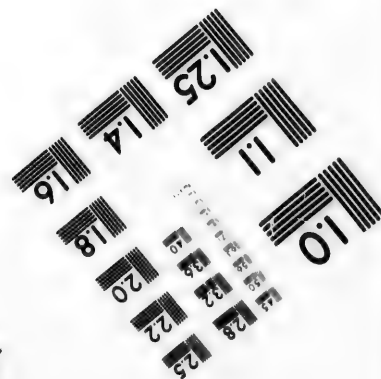
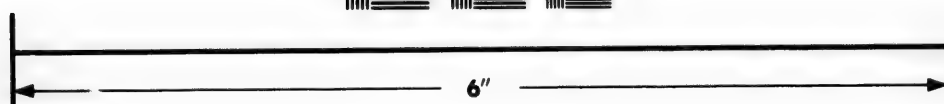
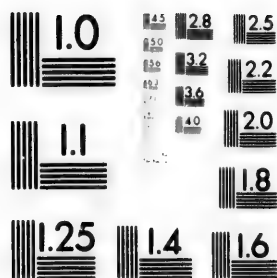


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Forms I. and II.

Reading.—The principles of Orthoëpy and Elocution ; Reading ; Spelling and Syllabication.

English Grammar.—Etymology and Syntax ; exercises, chiefly on passages from authors not prescribed.

English Composition and Rhetoric.—Rhetorical analysis of passages from prose authors not prescribed ; themes on familiar subjects and the prescribed texts ; familiar and business letters.

English Poetical Literature.—Intelligent comprehension of and familiarity with the prescribed texts ; memorization of the finest passages ; oral reading of the texts ; supplementary reading from authors provided in the High School Library or supplied by the pupils under the authority of the High School Board.

History and Geography.—The leading events of Canadian and British History—the nineteenth century more particularly. Commercial, Physical, and Mathematical Geography. Geography of Canada and the British Empire more particularly.

Arithmetic and Elementary Mensuration.—Arithmetic in theory and practice ; special attention to commercial problems ; areas of rectilinear figures, and volumes of right parallelopipeds and prisms ; the circle, sphere, cylinder, and cone.

Algebra.—Elementary rules ; factoring ; greatest common measure ; least common multiple ; fractions ; simple equations of one unknown quantity ; simple problems.

Euclid.—Book I. ; easy deductions.

Commercial Course.—Writing ; précis writing and indexing ; bookkeeping, single and double entry ; commercial forms ; general business transactions.

Drawing.—Bk. 1, Architecture ; Bk. 2, Constructive Drawing ; Bk. 3, Industrial Design ; Bk. 4, Landscape Drawing, Historical Ornament, etc.

Physics.—An experimental course defined as follows:—(a) Properties of matter:—Sensations and things; causes and effects; absence of chance in the order of nature; matter; the molecule; constitution of matter; physical and chemical changes; inertia; force; energy (as defined in sections 88-92 inclusive of the *High School Physics*); three states of matter; phenomena of attraction; cohesion; compressibility; elasticity, etc. (b) Sound:—Vibrations and waves; production and propagation of sound-waves; velocity; reflection; echoes; refraction; intensity; pitch; difference between noise and music. (c) Light:—Propagation; reflection; images formed by plane and spherical mirrors; refraction; lenses; dispersion; selective absorption; color. (d) Electricity:—Voltaic cells; polarization; heating, luminous, chemical, and magnetic effects produced by the electric current; the electric bell, the telegraph, the telephone, the electric light; magnetism.

Botany.—The practical study of representatives of the following natural orders of flowering plants: Ranunculaceæ, Cruciferae, Malvaceæ, Leguminosæ, Rosaceæ, Supindaceæ, Umbelliferae, Compositæ, Labiatae, Cupuliferae, Araceæ, Liliceæ, Iridaceæ, Coniferae, and Graminæ (types contained in text-book). A knowledge of structure obtained with the use of the compound microscope. Drawing and description of plants supplied, and their classification. Comparison of different organs, morphology of root, stem, leaves and hairs, parts of the flowers, reproduction of flowering plants, pollination, fertilization, and the nature of fruits and seeds.

Greek.—The Elementary Greek Book, and sight-reading.

Latin.—The Elementary Latin Book, grammar, composition, the prescribed texts, and sight-reading.

French.—The Elementary French Book, grammar, composition, conversation, dictation, the prescribed texts, and sight-reading.

German.—The Elementary German Book, grammar, com-

position, conversation, dictation, the prescribed texts, and sight-reading.

Form III.

English Grammar.—A course consisting chiefly of exercises on passages from authors not prescribed.

English Composition and Rhetoric.—Course in Form II. continued, and including themes based upon the prescribed texts.

English Poetical Literature.—The course in Form II. continued, and including intelligent comprehension of and familiarity with the prescribed texts.

History and Geography.—Great Britain and her colonies from the Revolution of 1688 to the peace of 1815, and the Geography relating thereto. Outlines of Roman history to the death of Augustus, and the Geography relating thereto. Outlines of Greek history to the battle of Chæronea, and the Geography relating thereto.

Arithmetic and Mensuration.—Course in Form II. completed.

Algebra.—Elementary rules; easy factoring; highest common measure; lowest common multiple; square root; fractions; ratio; simple equations of one, two and three unknown quantities; indices; surds; easy quadratic equations of one and two unknown quantities.

Euclid.—Books I., II., and III.; deductions.

Physics.—An experimental course defined as follows, and including an acquaintance with the Metric System of Units:—
(a) Dynamics: Definitions of velocity, acceleration, mass, momentum, force, moment, couple, energy, work, centre of inertia; statement of Newton's laws of motion; composition and resolution of forces; conditions for equilibrium of forces in one plane. Definitions of a fluid, fluid pressure at a point, transmission of fluid pressure, resultant fluid pressure, specific gravity, Boyle's law, the barometer, air pump, water pump, siphon. (b) Heat: Effects of heat; temperature; diffusion of heat; specific heat; latent heat; law of Charles. (c)

Electricity: Voltaic cells; chemical action in the cell; magnetic effect of the current; chemical effect of the current; galvanometer; voltameter; Ohm's law; heating effect of the current; electric light; current induction; dynamo and motor; electric bell; telegraph; telephone.

Chemistry.—Definition of the object of the science. Relations of the physical sciences to Biology, and of Chemistry to Physics. Chemical change, elementary composition of matter. Laws of combination of the elements, atomic theory, molecules, Avogadro's Law. The determination of atomic weight, specific heat, atomic heat, nomenclature, classification. The preparation, characteristic properties, and principal compounds of the following elements: Hydrogen, Chlorine, Bromine, Iodine, Oxygen, Sulphur, Nitrogen, Phosphorus, Carbon, Silicon.

Greek.—Grammar, Composition, prescribed texts, and sight-reading.

Latin.—Grammar, Composition, prescribed texts, and sight-reading.

French.—Grammar, Composition, Conversation, Dictation, the prescribed texts, and sight-reading.

German.—Grammar, Composition, Conversation, Dictation, the prescribed texts, and sight-reading.

Form IV.

Grammar and Philology.—A course consisting chiefly of exercises on passages from authors not prescribed.

English Composition, Rhetoric, and Prosody.—Essay-writing; a course in Rhetoric and Prosody, consisting chiefly of exercises on passages from authors not prescribed.

English Poetical Literature.—Course in Form III. continued, and including intelligent comprehension of and familiarity with the prescribed texts.

History and Geography.—British History from the discovery

of America to the Revolution of 1688. Geography to illustrate the history read.

Algebra.—More thorough knowledge of the subjects of Form III. together with variation, progressions, permutations, and combinations binomidal theorem, interest forms with annuities.

Euclid.—More thorough knowledge of the subjects of Form III. together with Euclid Bks. IV., VI., and Definitions of Bk. V.; deductions.

Plane Trigonometry.—Trigonometrical ratios with their relations to each other; sines, etc., of the sum and difference of angles with deduced formulas; solution of triangle; expressions for the area of triangles; radii of circumscribed, inscribed, and described circles.

Physics.—Course in Form III. continued.

Chemistry.—The practical study of the following elements with their most characteristic compounds, in illustration of the outlines of Mendelejeff's classification of the elements: Hydrogen; Sodium, Potassium; Magnesium, Zinc; Calcium, Strontium, Barium; Borax, Aluminium; Carbon, Silicon, Tin, Lead; Nitrogen, Phosphorus, Arsenic, Antimony, Bismuth; Oxygen, Sulphur; Fluorine, Chlorine, Bromine, Iodine; Manganese, Iron, Gold, Platinum.

Botany.—The practical study of the representatives of the flowering plants of the locality in which the High School is situated, and of representatives of the chief sub-divisions of cryptogams, such as a fern, a lycopod, a horse-tail, a liverwort, a moss, a lichen, a mushroom, and a chara. A knowledge of structure, such as can be obtained with the use of a compound microscope. Drawing and description of parts of plants supplied, and their classification. Comparison of different organs, morphology of root, stem, leaves and hair, parts of the flower, reproduction of flowering plants, pollination, fertilization and the nature of fruit and seeds.

Zoology.—The practical study of the subject as defined in

The High School Zoology, but limited by the author's syllabus of work.

Greek.—Grammar, Composition, the prescribed texts, and sight-reading.

Latin.—Grammar, Composition, the prescribed texts, and sight-reading.

French.—Grammar, Composition, Conversation, Dictation, the prescribed texts, and sight-reading.

German.—Grammar, Composition, Conversation, Dictation, the prescribed texts, and sight-reading.

ENTRANCE EXAMINATIONS.

GENERAL.

21. In addition to the provisions of *The High Schools Act*, the following general regulations shall govern the High School Entrance Examination :

See section 38 of *The High Schools Act, 1891, ante*, p. 293, as to the statutory provisions relating to the Entrance Examination.

(1). No teacher who has pupils writing at the Entrance Examination shall be eligible as examiner where such pupils are writing.

(2). At every High School and Collegiate Institute, and at such other places as may be recommended by the County Council an examination for admission of pupils to High Schools and Collegiate Institutes, shall be held in July of each year on papers prepared by the High School Inspectors and such other examiners as may be appointed by the Minister of Education.

(3). Candidates desiring to be examined at a city or town forming a separate inspectoral district shall notify the Inspector of such city or town. In all other cases notices shall be sent to the County Inspector; and if more examinations than one are held in the county, the place at which the candidate desires to be examined shall be named.

(4). High School Boards shall have power to require each resident or non-resident pupil to pay a fee not exceeding one dollar. County Councils shall have like power regarding county pupils, but any sum thus received from county candidates shall be deducted from the amount for which the county is liable for maintenance.

(5). When the County Council recommends the holding of an examination at any place other than the High School, the presiding examiner shall be paid the sum of \$3 per diem, and travelling expenses for conducting such examination, and the examiners shall be allowed the sum of \$1 per candidate for reading the examination papers. It shall be lawful for the County Treasurer to pay all the expenses of such examination on the certificate of the County Inspector.

Subjects of Examination.

22. (1). The Entrance Examination will be based on the subjects prescribed in Form IV. of the Public Schools. The examination in Literature will be based partly on prescribed selections from the authorized Fourth Reader, and partly on the remaining lessons in the same reader; and the candidate will be expected to have memorized prescribed selections from the Fourth Reader. At the examination in Composition the candidate will be expected simply to write a letter and a narrative or description, each being of about thirty lines in length.

(2). Candidates shall submit their work in Drawing and Writing, covering a period of at least three months. When the authorized books are used, Copy Book No. 6 and Drawing Book No. 5 will be accepted; but no discrimination will be made in favor of work contained in the authorized drawing-book or copy-book if the prescribed course is covered.

Duties of Inspector.

23. (1). Application shall be received by the Inspector for the examination not later than the 1st of May.

(2). The Inspector shall notify the Department not later

than the 3rd day of May in each year, of the number of persons desiring to be examined at any High School or other authorized place within his jurisdiction.

(3). In any city or town forming a separate inspectoral division, the Inspector or Inspectors of such city or town shall preside at the examination, and, in conjunction with the Board of Examiners for such city or town, shall read the papers and report to the Department.

(4). In counties in which more High Schools than one are situated, the Inspector for the county shall elect at which High School he will preside, and shall notify the Department of the choice he makes, and in each of the other High Schools the Principal of the High School shall preside.

(5). In the case of examinations affiliated with a High School, the Inspector within whose district such affiliated examinations are held, shall appoint Presiding Examiners, who shall be teachers in actual service, notice of which shall be sent to the Education Department; and such Inspector, together with the Examiners of the High School with which the examination is affiliated, shall be the Board of Examiners in all such cases.

(6). Where, from the number of candidates, or any other cause, additional Presiding Examiners are required, the Inspector shall make such appointments as are necessary, preference being given to the other members of the Board of Examiners. The Inspector shall not appoint as Presiding Examiner any teacher who has taken part in the instruction of any of the candidates in the room where he presides, or who is not in actual service.

(7). Where more examinations than one are held in an inspectoral district, the papers will be sent by the Education Department to the Inspector, or the Presiding Examiner, as the case may be.

(8). The parcel containing the examination papers shall not be opened till the morning of the examination day, nor shall

any envelope containing the papers in any subject be opened until the time appointed in time-table for the examination in such subject.

Duties of Presiding Examiners.

24. It shall be the duty of Presiding Examiners :

(1). To be in attendance at the place appointed for the examination at least fifteen minutes before the time fixed for the first subject, and to see that the candidates are supplied with the necessary stationery, and seated so far apart as to afford reasonable security against copying.

(2). To open the envelope containing the papers in each subject in full view of the candidates at the time prescribed, and to place one paper on each candidate's desk.

The Presiding Examiner will please see that the seal is *intact* when the bag containing the examination papers is received by him. The bag can be opened when required, by breaking the wire *close to the seal*.

(3). To exercise proper vigilance over the candidates to prevent copying, and to allow no candidate to communicate with another, nor permit any person, except a co-examiner, to enter the room during examination.

(4). To see that the candidates promptly cease writing at the proper time, fold and endorse their papers properly, and in every respect comply with the regulations herein contained.

At the close of the Examination the Presiding Examiners are requested to take charge of all surplus examination papers, and to retain them or hand them to the Public School Inspector for future distribution amongst applicants for them.

(5). To submit the answers of the candidates to the Examiners according to the instructions from the Board.

The Candidate's answers are to be returned in the bag, which is to be folded and tied so that the words "The property of the Education Department" will be outwards. The shipping tag addressed to the Education Department to be securely attached to the strap.

Duties of Candidates.

25. The following shall be the duties of High School Entrance candidates :

(1). Every candidate shall be in attendance at least fifteen

minutes before the time at which the examination is to begin, and shall occupy the seat allotted by the Presiding Examiner. Any candidate desiring to move from his allotted place or to leave the room, shall first obtain permission from the Presiding Examiner to do so. Any candidate leaving shall not return during the examination in the subject then in hand.

(2). Every candidate shall write his answers on one side only of the paper, and shall number each answer. He shall arrange the sheets numerically, according to the questions, and fold them once crosswise, endorsing them with his name, the name of the subject, and the name of the place at which he is examined. No paper shall be returned to a candidate after being placed in the hands of the Presiding Examiner.

(3). Any candidate who is found copying from another or allowing another to copy from him, or who brings into the examination room any book, note or paper having any reference to the subject on which he is writing, shall be required by the Presiding Examiner to leave the room, and his papers and the papers of all the guilty parties shall be cancelled.

(4). Candidates for examination in Drawing and Writing must place their drawing and copy books in the hands of the Presiding Examiner on the morning of the first day of the examination. Every exercise must be certified by the teacher as being the candidate's own work.

Duties of Examiners.

26. In reading the papers the Examiners shall be guided by the following schedule of values and instructions:

(1). Reading, 50 marks; Drawing, 50; Physiology and Temperance, 75; Writing and Neatness, 35; Writing, 50; Orthography, 30; Literature, 100; Arithmetic, 100; Grammar, 100; Geography, 75; Composition, 100; History, 75. The marks for neatness shall be divided equally among the last seven subjects, and shall be added to the value herein assigned to those subjects. Of the marks for Drawing and

Writing 25 will be assigned to the paper on these subjects, and a maximum of 25 may be awarded as the result of the inspection of the candidate's drawing and copy books. Two marks shall be deducted for each misspelt word on the Dictation paper, and one mark shall be deducted for each misspelt word on the other papers.

(2). Examiners should return the drawing and copy books to the candidates at the close of the examination.

(3). The papers of the different candidates shall be so distributed that the same Examiner shall read and value the answers in the same subject throughout.

(4). Each Examiner shall mark distinctly in the left hand margin the value assigned by him to each answer or partial answer, shall sum up the total on each page at the foot of the margin, and shall place the general total on the back of the outside sheet, indicating the deductions for misspelt words, and the additional marks for neatness, thus, *e.g.*, History, 60—5sp. + 3n. = 58, and initialing each set of papers examined.

Reports, Certificates, and Appeals.

27. (1). Any candidate who obtains one-third of the marks in each subject (neatness included) and one-half of the aggregate may be admitted provisionally to a High School by the Board of Examiners. Of those who fail, only the following classes of candidates should be recommended: (a) those who fail to reach the standard prescribed in some subject, who have not made a bad failure in any subject, and who have made considerably more than the aggregate marks required; (b) those who, in the opinion of the Examiners, on account of age or for some special reason, should be recommended to the favorable consideration of the Minister of Education. No candidate should be recommended on the ground of age alone, who shall not have reached at least his fifteenth year before the date of the next Entrance Examination. The reasons for recommendation shall be set forth in full opposite the name of each candidate recommended.

(2). The names of candidates passed or recommended shall not be published until after the decision of the Minister has been received.

(3). The Inspector shall issue a certificate to each candidate whose admission has been approved by the Minister of Education.

(4). The report of the Examiners, together with the answers of the Candidates, shall be transmitted by the Inspector to the Education Department (charges prepaid) on or before the 20th of July in each year.

All express charges on parcels sent to the Department are to be prepaid.

(5). Candidates may claim to have their papers re-read upon the following conditions :—

(a) The appeal or claim must be in the hands of the Minister of Education on or before the 15th of August, and the ground of the appeal must be specifically stated. The Examiners shall dispose of all appeals without delay and no appeal shall subsequently be entertained on any ground whatever.

(b) A deposit of \$2 must be made with the Department, which deposit will be returned to the candidate if his appeal or claim is sustained.

(6).—(a) When at any time during the interval between Entrance Examinations it is considered desirable to admit a pupil provisionally until the next examination, the Principal of the High School and the Public School Inspector shall at once report in detail upon the case to the Minister of Education. Application should be made only in behalf of pupils who could not have presented themselves at the examination ; and as a rule, when the work of the term is considerably advanced, admission should not be granted to pupils only fit for the lowest classes.

(b) Pupils proposed for admission under this regulation are not to be enrolled by the Principal or to receive any instruction

from the staff until their provisional admission has been sanctioned by the Minister.

(c) Pupils provisionally admitted shall not be required to pass the examination in Literature or to submit Drawing and Copy Books at the Entrance Examinations.

TIME-TABLE.

First Day.

A.M.	8.45	Reading Regulations.
	9.00-11.00	English Grammar.
	11.10-12.40	Geography.
P.M.	2.00-4.00	Composition.
	4.10-4.45	Dictation.

Second Day.

A.M.	9.00-11.00	Arithmetic.
	11.10-12.20	Drawing.
P.M.	1.30-3.00	History.

Third Day.

A.M.	9.00-11.00	English Literature.
	11.10-11.40	Writing.
P.M.	1.30-3.00	Physiology and Temperance.

Reading to be taken on the above days at such hours as may suit the convenience of the Examiners.

The Public School Leaving Examination or some modification thereof, will be substituted for the present High School Entrance Examination as soon as the results of the present changes in the Public School Leaving Examination justify the Education Department in adopting this course.

PRIMARY EXAMINATION IN ORAL READING, DRAWING, AND THE COMMERCIAL COURSE.

28. (1). (a) This Examination will be held each year on the day preceding the High School Entrance Examination.

(b) The examination of the Drawing books and Bookkeeping

sets of all candidates for the Primary shall be conducted in each High School, by the Principal of the High School and the High School teachers of Drawing and the Commercial Course. For the purposes of this examination, the Drawing books and Bookkeeping sets of candidates who have not been in attendance at a High School shall, in each case, be forwarded to the Principal of the High School nearest the School in which the candidate has been prepared.

(c) The examination in Reading and on the papers set by the Department in Drawing and the Commercial Course, will be held at the centres for the High School Entrance Examinations. When the examination is held at a High School, the Examiners in Reading shall be the High School Principal and the High School teacher or teachers of the subject. The Presiding Examiner or Examiners shall examine at the other centres, and shall, immediately after the examination, forward the grading assigned each candidate in Reading, to the Principal of the High School at which the candidate's Drawing books and Bookkeeping sets are being examined.

(2). The Examiners shall be guided by the following instructions.

(a) Each candidate shall read from the High School Reader one passage of not less than thirty lines, selected by the Examiners, and another from any book chosen by himself.

(b) Each candidate shall submit for examination his school work in drawing in the books prescribed for this examination in Reg. 18 (2) or the equivalent thereof in character and amount.

(c) Each candidate shall submit for examination his school work in Bookkeeping and Commercial Transactions, which shall consist of the following as a minimum :—Four sets, each of at least ten foolscap pages or the equivalent thereof, and each comprising the necessary books of original entry with ledger and bill book. The sets shall consist of one in single entry and three in double entry, and the books of each set, if written in a blank book, shall be entered together and shall be

wholly separate from the others. The single entry set shall be especially suitable for farmers and artisans or for retail merchants and general traders, and shall employ the cash book, journal, ledger, and bill book, in addition to the necessary books of original entry. One of the double entry sets shall be suitable for retail merchants, and shall show transactions covering a period of two months of actual business, the ledger being closed at the end of each month and a statement of resources and liabilities shown. The second double entry set shall be a set in Partnership, embracing transactions in Commission and Brokerage; and the third shall be a continuation of the single entry set, showing clearly the transfer from single to double entry. Any three accounts in the single entry set shall be made in proper form and submitted to the Examiners. The candidates shall also submit at least two examples of each kind of commercial forms and correspondence pertaining to the sets. A descriptive index shall accompany each of the four sets, and the transactions in each set shall be different from year to year.

(d) The Drawing books and Bookkeeping sets shall, in each case, be certified by the candidate's teacher or teachers as being the candidate's work; and not less than the prescribed minimum shall, in any case, be accepted, the examination being on the quality of the work submitted.

(3). Each candidate shall pass, in addition, an examination in the subjects prescribed in Drawing and the Commercial Course, the papers being prepared and the answers read and valued by the Departmental Examiners. The maximum for each paper shall be 50 marks, and the pass standard one-third on each paper and one-half of the total of both. The Presiding Examiners at this examination shall be those appointed for the High School Entrance Examination; the rate of remuneration shall be the same; and the cost shall be borne by the same corporations.

See *ante*, p. 294, as to examiners' fees and payment of same.

(4). The standing of the candidates, which shall range from

I. to IV., those graded IV. being rejected, shall be entered in a form provided by the Education Department. The Principal of the High School shall retain for the use of the next visiting High School Inspector, a copy of the form, and the certificates required from the Principal of the Public or Separate School in paragraph (6) below.

(5). The Drawing books and the Bookkeeping sets of High School and other pupils who have passed this examination shall be retained in safe keeping by the Principal of the High School, until the next ensuing visit of the High School Inspector, who shall report specially to the Minister of Education on the character of this examination, and on whose report the Minister may cancel this examination wholly or in part. The answer papers in Drawing and the Commercial Course shall be transmitted (prepaid) to the Education Department immediately after the close of the examination.

(6). The examination in Reading and the Commercial Course will not be accepted by the Minister unless at least the time prescribed in Regulation 19(1) for Reading and Writing has been allowed in the time-table during the preceding year, as certified by the Inspector and the Principal of the High, Public, or Separate School, as the case may be. The required certificate shall be forwarded to the Principal of the High School, by the Principal of the Public or Separate School with the Drawing books and Bookkeeping sets of his pupils.

(7). Any candidate who passes the Primary Examination in Reading, Drawing, and the Commercial Course, and who, in the opinion of his teachers, possesses a good business education, shall be entitled to a Commercial certificate signed by the Principal of the High, Public, or Separate School, as the case may be.

(8). Candidates who have been awarded Commercial certificates shall not be required to pass the examination in Drawing and the Commercial Course more than once. All

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candidates shall pass the examination in Oral Reading as often as they may present themselves for examination in the other subjects of the Primary Examination, and shall take again the course in Reading prescribed for Forms I. and II. of the High Schools.

TIME-TABLE.

Forenoon.	9.00-10.30.....	Paper in Drawing.
	10.40-12.10.....	{ Paper in Bookkeeping and Commercial Transactions and Penmanship.

Oral Reading shall be taken on the same day at such hours as may suit the convenience of the Examiners, and shall continue until completed, if necessary, on the following day.

DIPLOMAS AND COMMENCEMENT EXERCISES.

29. (1). Every pupil shall be entitled to a High School Graduation Diploma, who passes a Departmental examination in any of the courses in Form III. or IV. of the High Schools, and who submits to the Minister of Education, through the Principal, a certificate from the Principal that the candidate has attended a High School for at least one year; and a certificate of character signed by the Principal.

(2). Commencement exercises shall be held in each High School or Collegiate Institute at a suitable time during the Autumn of each year, at which Diplomas, Medals, or Certificates may be presented to the successful candidates.

III. — DEPARTMENTAL AND UNIVERSITY EXAMINATIONS.

EXAMINATIONS AND APPOINTMENT OF EXAMINERS.

30. (1). Examinations will be held annually at each High School and Collegiate Institute, and at such other places as

the Minister of Education may designate, in the courses of study prescribed for each of Forms I. and II., III. and IV. These examinations shall be known respectively as the High School Primary, the High School Junior and Senior Leaving Examinations, and the University Pass and Honor Matriculation Examinations.

(2). The Minister of Education may act in conjunction with the Senate of the University of Toronto in conducting these examinations by means of a Joint Board of the Education Department and University of Toronto, to be appointed as soon after the 1st day of October in each year as is practicable.

(3). The Joint Board shall elect a chairman from their number who shall retain his right to vote as a member of the Board. In case of any vacancy on the Board the appointing body may fill the same for the remainder of the term.

(4). The Board shall appoint Examiners to prepare the examination papers for the Departmental and University Matriculation Examinations, but such Examiners shall not exceed fifteen in number. The Board shall also appoint such Associate Examiners as may be necessary for the reading of the answer papers of the candidates at the said examinations.

(5). The Examiners shall be selected from persons qualified by experience as teachers in either a University or a High School to set papers suitable for candidates at such examinations.

(6). The Associate Examiners shall be selected from a list of graduates of Universities in the British Dominions actually engaged in teaching, such list to be furnished by the Minister of Education and to contain the names of at least double the number of Associate Examiners required.

(7). No Examiner or Associate Examiner shall be appointed who is objected to by three out of the four representatives either of the University or of the Department of Education.

DUTIES OF EXAMINERS.

31. The following shall be the duties of the Examiners:—

(1). To elect at the first meeting a chairman from their number who shall retain his right to vote as a member of the Board.

(2). To assign at the first meeting the subjects of examination to the different members, and to arrange for having the manuscript of the examination papers in the hands of the Minister of Education at such dates as he may fix.

(3). To revise and approve of all examination papers and to assign values to the questions. The Examiners are jointly and severally responsible for the character of the questions in each of the papers.

(4). To arrange in alphabetical order the names of the Examiners in each department at the head of each paper in that department, and to give, as far as possible, instructions to candidates in the same form at the head of each paper.

(5). To avoid, as far as possible, questions that consist of numerous parts with different values for each part.

(6). To use capital letters, A, B, etc., to denote the sections of the papers, and figures 1, 2, etc., consecutively throughout, to mark the individual questions. To space in printing and to mark with letters (*a*), (*b*), etc., the several sub-sections under each number.

(7). To place, as far as the nature of the paper allows, optional questions, if any, at the end of the paper.

(8). To take the general management of the work of the Associate Examiners and to settle such questions connected therewith as may be referred to them by the chairmen of the sections.

(9). To assist the Associate Examiners in each section in reading the answer papers and to report to the Minister of Education and Joint Board the results of the examinations.

(10). To settle the results of the examinations in accordance with the standards and regulations of the Education Department and the Senate of the University respectively.

(11). To decide and report upon all appeals in conjunction with such persons as may be appointed for that purpose.

DUTIES OF ASSOCIATE EXAMINERS.

32. (1). The Associate Examiners shall be classified into sections according to the subjects of examination. An Examiner shall be the chairman of each section, or, where an Examiner is unable to act, such person as may be appointed for that purpose by the Joint Board.

(2). The chairman of a section shall have general oversight of the work done thereby, and shall spend so much of his time as may be necessary in revising the work of his colleagues, with a view to remove clerical errors and secure practical uniformity in valuing the answers.

(3). Before commencing the actual work of examination the Associate Examiners of each section shall spend sufficient time in discussing the answers and reading answer papers jointly, to enable the members to arrive at a consensus of opinion as to the valuation of answers, especially of partial or imperfect answers.

(4). When a section finds that the values assigned to the questions on the examination papers are unsatisfactory, or when it is evident that the Examiner has not followed the Course of Study prescribed by the Education Department or by the Curriculum of the University of Toronto, it shall report through its chairman to the chairman of the Examiners or the person acting on his behalf.

(5). No Associate Examiner shall have in hand more than twenty papers at one time, nor shall he have more than one envelope opened upon his table at one time, except in cases of suspected copying, in which case he shall return each sheet to its proper envelope. The papers shall be returned in the

numerical order in which they were received. In cases of suspected copying, the Associate Examiner shall note on the face of the envelope: "Copying, see No.——question——."

(6). One mark shall be deducted for each misspelt word and for each instance of bad English from the marks obtained in each subject. At the Primary and the Junior Leaving Examination in English Composition an essay will be expected of about sixty lines in length, and at the Senior Leaving Examination, of about ninety lines.

(7). At all the examinations in Arithmetic, either arithmetical or algebraic solutions shall be accepted.

(8). In reading the papers each Associate Examiner shall mark distinctly, in the left-hand margin, the value assigned by him to each answer or partial answer, shall sum up the total on each page at the foot of the margin, and shall place the result on the face of the envelope, indicating the deductions for misspelt words and incorrect English thereon, thus, *e.g.*, History 80—2 sp.—4 f.s.= 74, and initialing the enveloping of each paper examined.

(9). The hours of work shall be from 9 o'clock a.m. to 12 noon, and from 2 o'clock p.m. to 5 p.m. Examiners shall begin and stop work promptly, and shall abstain from all unnecessary conversation during working hours. The work of the examination shall be strictly confidential.

(10). Associate Examiners shall be paid the sum of \$6 per day, the payment being subject to the restriction that the whole amount paid for the examination shall not exceed the sum of \$1.50 per candidate.

(11). Associate Examiners who do not reside in Toronto will be allowed their actual railway expenses to and from their usual residences in Ontario.

EXAMINATION PAPERS.

33. (1). At all the examinations, each paper on the Latin, Greek, French and German authors shall contain, in addition

to questions on passages from the prescribed texts, questions on passages from works not prescribed but similar in style and of equal difficulty; and the meaning shall be given of words not likely to have been met with by the candidates. The examinations in the "Sight-work" shall determine, not whether the candidate has read more than the prescribed texts, but whether he is familiar with the idioms and constructions met in the prescribed course.

(2). At the Primary and Junior and Senior Leaving Examinations in Poetical Literature, "Sight-work" shall also be given; but at the Leaving Examinations the examination papers shall consist of three sections, two being on the prescribed texts, and the third on an "unseen" passage; of these, University candidates shall take the first and second, and Departmental candidates the third, with one of the others prescribed by the Examiners.

(3). In the subjects of Mathematics, English, and History and Geography the papers for pass matriculants either shall be distinct from those for the Junior Leaving Examination, or shall be supplemented by questions specially adapted to the latter class of candidates.

(4). At the Primary and Junior Leaving Examinations the value of the questions on Grammar in the paper on Grammar and Rhetoric shall be two-thirds of the value of the whole, and at the Primary Examination the value of the questions in Algebra in the paper on Algebra and Euclid shall also be two-thirds of the value of the whole. The questions in Mensuration are for the Junior Leaving Examination only.

(5). At the Senior Leaving and Honor Matriculation examinations in Botany and Zoology, the specimens for description and identification shall be sent from the Education Department where required, and at the Primary examination in Botany they shall be provided by the Presiding Examiner.

(6). The subjects, number, and values of the papers for the different examinations shall be as follows:—

1. Primary Examination.

	No. of papers.	Value of subject.
English Grammar and Rhetoric...	One.....	200
English Composition (Essay).....	"	100
English Poetical Literature.....	"	200
History and Geography.....	"	150
Arithmetic, Mensuration, and Com- mercial Transactions.....}	"	200
Algebra and Euclid.....	"	200
Physics.....	"	100
Botany.....	"	100
Latin	Two—one on Authors and one on Composition and Grammar.....	
French.....	"	200
German	"	200

2. Junior Leaving Examination.

	No. of papers.	Value of subject.
English Grammar and Rhetoric...	One.....	150
English Composition (Essay).....	"	100
English Poetical Literature.....	"	200
History and Geography.....	"	150
Arithmetic and Mensuration.....	"	200
Algebra.....	"	150
Euclid.....	"	150
Chemistry.....	"	200
Physics.....	"	200
Latin	Two—one on Authors and one on Composition and Grammar.....	
French	"	200
German	"	200
Greek.....	"	200

3. *Senior Leaving Examination.*

	No. of papers.	Value of subject.
English Grammar, Philology, } Rhetoric, and Prosody..... }	One.....	200
English Composition (Essay)....	"	100
English Poetical Literature.....	"	200
History and Geography	"	150
Algebra.....	"	150
Euclid.....	"	150
Trigonometry.....	"	150
Chemistry.....	Four.....400	125
Physics		125
Botany.....		75
Zoology.....		75
Latin	Two—one on Au- thors and one on Composition and Grammar.....	200
Greek	" "	200
French.....	" "	200
German.....	" "	200

PRIMARY AND LEAVING EXAMINATIONS.

34. (1). In addition to Reading, Drawing, and the Commercial Course, the subjects of examination for the Primary Examination shall consist of English Grammar and Rhetoric, English Composition, English Poetical Literature, History and Geography, Arithmetic and Mensuration, Algebra and Euclid, with Latin, or French, or German, or Physics and Botany. The subjects of examination for the Junior Leaving Examination shall consist of English Grammar and Rhetoric, English Composition, English Poetical Literature, History and Geography, Arithmetic and Mensuration, Algebra, Euclid, and Chemistry, with Latin, or Greek, or French, or German, or Physics; and for the Senior Leaving Examination, of English Grammar, Philology, Rhetoric, and Prosody; English Composition, English Poetical Literature, History and

Geography, Algebra, Euclid, and Trigonometry, with Greek and Latin, or French and German, or Chemistry, Physics, Botany and Zoology.

(2). Any candidate who obtains one-third of the marks in each paper and one-half of the aggregate marks obtainable, shall be entitled to the certificate for which he has been examined.

(3). Only those candidates are eligible to write at the Junior Leaving Examination who have passed the Primary Examination, or who having made the aggregate marks required, have been recommended by the Principal of the High School.

(4). Any candidate who has passed the Primary Examination in Oral Reading, Drawing, and the Commercial Course shall, on the recommendation of the Principal, be eligible to write at the Senior Leaving Examination without passing the Junior Leaving Examination or the rest of the Primary Examination.

MATRICULATION EXAMINATIONS.

35. (1). All candidates for Junior Matriculation shall take the pass subjects in Latin, Mathematics, English, History and Geography, and in one of the following groups: (a) Greek; (b) French and German; (c) French and either Physics or Chemistry; (d) German and either Physics or Chemistry.

(2). The standard for pass shall be twenty-five per cent. on each paper and forty per cent. on the whole examination. The standard for honors shall be for Second Class, fifty per cent., and for First Class, sixty-seven per cent. of the aggregate of marks obtainable. The honor standing of each candidate shall be determined by the marks obtained on both his honor and his pass papers, and the names of honor matriculants shall be arranged alphabetically in each department.

Notice by Candidates.

36. (1). Every person who purposes to present himself at the Primary or Junior or Senior Leaving Examination, or the

Matriculation Examination shall send to the Inspector within whose inspectoral division he intends to write, not later than the 24th of May preceding, a notice stating the class of certificate for which he is a candidate, and what optional subject or subjects he has selected. Such notice shall be accompanied by a fee of \$5.

(2). In the case of those candidates who apply for examination in one or two subjects only, for the purpose of completing a course for pass matriculation into any University or Learned Profession, a fee of \$2 shall be charged, \$1 of which shall be sent to the Department.

(3). Where a High School is situated in a city or town constituting a separate inspectoral division, the Inspector of such city or town shall be responsible for the conduct of the examination held thereat, and shall receive applications from intending candidates, and report to the Department; but in all other cases the County Inspector shall be responsible and shall receive the necessary applications.

Duties of Inspector and Presiding Examiners.

37. The following shall be the duties of Inspectors and Presiding Examiners :

(1). When the Inspector is unable to preside at the examination, or where more examinations than one are held in his inspectorate, he shall appoint, one month before the examination, subject to the approval of the Minister of Education, a Presiding Examiner who shall be a teacher in active service (competent to select the plants for the Primary Botany Examination); otherwise the Minister will make the appointment. When more rooms than one are required for the candidates, an Examiner (who shall be a teacher in actual service) approved by the Minister, shall be appointed by the Inspector for each room. The Presiding Examiner shall indicate, in his report to the Department, the candidates who were placed in the several rooms respectively, and shall also

send a diagram of the rooms on the form provided, showing the position occupied by each candidate and Presiding Examiner during the examination.

(2). The Inspector shall not appoint, as Presiding Examiner, any teacher employed in a school from which there is any candidate at such examination, or any person who has taken part in the instruction of any of the candidates; nor shall any person, except the Examiners, be present with the candidates, in any room at such examination; and, at least, one Examiner shall be present during the whole time of the examination in each room occupied by the candidates.

(3). Every Inspector shall send to the Education Department, not later than the 25th of May, a list of the candidates with \$3 of the fee of each. the other \$2 being sent on the same date to the Treasurer of the High or the Public School Board, as the case may be.

(4). Each Inspector, or such other person as may be appointed by the Minister, shall himself, in person, receive from the Department, or the Inspector, the examination papers, and shall thereupon be responsible for the safe keeping of the parcel containing the same, unopened, until the morning of the first day of the examination.

(5). No Presiding Examiner shall admit any candidate, either as an additional candidate, or in the place of an absent one, whose notice has not been duly given to the Department; no candidate who, in his notice to the Department, elects to take any specific optional subject, will be allowed to substitute any other, and no candidate who has given notice to the Department of his intention to be examined at a specified place, will be allowed to appear for examination elsewhere.

(6). The Inspector or Presiding Examiner shall transmit to the Education Department, on the first day of the examination, a copy of the following declaration, signed by himself and the

other Examiners, (but such declaration shall not be required more than once from any Examiner) :—

“I solemnly declare that I will perform my duty of Examiner, without fear, favor, affection or partiality towards any candidate.”

(7). Places shall be allotted to the candidates so that they may be at least five feet apart. All diagrams or maps having reference to the subjects of examination shall be removed from the room ; all arrangements shall be completed, and the necessary stationery distributed at least fifteen minutes before the time appointed for the commencement of the examination.

(8). Punctually at the time appointed for the commencement of each examination, the Presiding Examiner shall, in the examination room and in the presence of the candidates and other Examiners (if any), break the seal of the envelope containing the examination papers, and give them to the other Examiners and the candidates. The papers of only one subject shall be opened at one time.

(9). Should any candidate be detected in talking or whispering, or in copying from another, or allowing another to copy from him, or in having in his possession, when in the room, any book, notes, or anything from which he might derive assistance in the examination, it shall be the duty of the Examiner, if he obtain clear evidence of the fact at the time of its occurrence, to cause such candidate at once to leave the room ; nor shall such candidate be permitted to enter during the remaining part of the examination, and his name shall be struck off the list. If, however, the evidence be not clear at the time, or be obtained after the conclusion of the examination, the Examiner shall report the case to the Department.

(10). Punctually at the expiration of the time allowed, the Examiner shall direct the candidates to stop writing, and cause them to hand in their answer papers immediately, duly fastened in the envelopes.

(11). The Examiner shall keep upon his desk the certified list of the candidates, and as each paper in any subject is

handed in, he shall check the same by entering the figure "1" opposite the name of the candidate, on the form provided. After the papers are handed in the Examiner shall not allow any alterations to be made in them, and he shall be responsible for their safe keeping until transmitted to the Education Department, or placed in the hands of the Presiding Examiner.

(12). The Presiding Examiner, at the close of the examination on the last day, shall secure in a separate parcel the fastened envelopes of each candidate, and on the same day shall forward by express (prepaid), or deliver to the Education Department the package containing all the parcels thus separately secured. The papers are to be arranged in the alphabetical order of the surnames of the candidates. The Inspector or Presiding Examiner shall, at the same time, sign and forward a solemn declaration that the examinations have been held and conducted in strict conformity with the regulations, and fairly and properly in every respect; and also a certificate that he has been satisfied as to the personal identity of each candidate.

(13). At the Primary Examination in Botany the Presiding Examiner shall himself provide the specimens to be submitted to the candidates, in accordance with sealed instructions from the Education Department.

(14). Two plants will be submitted to candidates at both examinations, one for examination and one for classification. The former shall belong to one of the prescribed orders, but shall not be one of those fully described in the High School Botany; and in the classification of the other, candidates shall be allowed to use the text-book.

(15). Specimens of the plant—one for each twenty candidates, and each enclosed in a separate envelope—shall be sent by the Presiding Examiner to the Education Department with the answer papers in Botany.

(16). At the Senior Leaving and Honor Matriculation Examinations, "slides" will be sent from the Education Department with specimens for examination and classification, and the Presiding Examiner is required to arrange that each candidate may have the use of a compound microscope for at least twenty minutes during the examination in Botany and in Zoology.

Duties of Candidates.

38. The following shall be the duties of candidates :—

(1). Each candidate shall satisfy the Presiding Examiner as to his personal identity before the commencement of the second day's examination, and any person detected in attempting to personate a candidate shall be reported to the Department.

(2). Candidates shall be in their allotted places before the hour appointed for the commencement of the examination. If a candidate be not present till after the appointed time, he shall not be allowed any additional time. No candidate shall be permitted, on any pretence whatever, to enter the room after the expiration of an hour from the commencement of the examination.

(3). No candidate shall leave the room within *one hour* after the distribution of the examination papers in any subject; and if he then leave he shall not be permitted to return during the examination on such subject.

(4). Every candidate shall conduct himself in strict accordance with the regulations. Should he give or receive any aid or extraneous assistance of any kind, in answering the examination questions, or if he leaves his answers exposed so that any candidate may copy from him he will forfeit any certificate he may have obtained. Should the candidate have failed at the examination he shall be debarred for two years from writing at any Departmental examination.

(5). Every candidate shall write the subject of examination very distinctly at the top of each page of his answer papers,

in the middle. If a candidate writes his name or initials, or any distinguishing sign or mark on his answer papers, by which his identity might be disclosed they will be cancelled.

(6). Candidates, in preparing their answers, shall write on one side only of each sheet, and shall mark the sheets in each subject in the order of the questions, as 1st, 2nd, 3rd, etc.; and on the last sheet shall write distinctly the total number of sheets enclosed in the envelope, fold them once across, place them in the envelope provided by the Department, write on the outside of the envelope the subject of examination only, and on the slip provided, his name in full (surname preceding), and then securely fasten the slip to the envelope, as instructed by the Presiding Examiner.

(7). Each candidate at the Botany Examinations shall provide himself with a drawing pencil, a hand-lens, and a sharp knife.

(8). Each candidate at the examination in Zoology shall provide himself with a pocket-lens and dissecting instruments, namely, one pair of forceps, one pair of fine scissors, one scalpel, and a couple of strong needles.

Remuneration of Inspector and Presiding Examiners.

39. (1). The Treasurer of the High School Board, on the certificate of the Public School Inspector, shall pay all the expenses of the examination, including the sum of four dollars a day and actual travelling expenses, for the Inspector and Presiding Examiners.

(2). If an examination is held at a Public School, the Treasurer of the Public School Board, shall, upon the order of the Inspector, pay all the expenses of the examination.

SPECIALISTS' CERTIFICATES.

40. (1). Candidates at the non-professional examination for a Commercial Specialist's Certificate will be examined in July of each year at the Education Department, Toronto ;

candidates for all other Specialists' Certificates, in May of each year at the University of Toronto.

(2). Every person desiring to present himself at the examination for a specialist's certificate shall notify the Education Department on or before the 1st of April in each year; such notice to be accompanied by a fee of \$5 for each examination, with a statement showing the optional course selected.

(3). The examinations for Specialists' Certificates and the Senior Leaving Certificate may be taken in any order the candidate selects, but the Specialist's Certificate shall not be granted until he has passed the examination prescribed for the Senior Leaving Certificate. The subjects prescribed for Specialists' Certificates in the departments of English and History, Mathematics, Classics, French and German, and Science, shall be taken at one or two examinations; and those for a Specialist's Certificate in the Commercial Department, at one examination.

(4). The standard for a Specialist's Certificate shall be one-third of the marks obtainable in each paper, and sixty-seven per cent. of the total of the marks obtainable in the papers on the prescribed subjects.

(5). The course of study for the examination in each of the following departments shall be in accordance with the curriculum of Toronto University, as follows:

(a) *English and History*.—The honor English course of the first and second years, and the pass courses in English and History of the four years.

(b) *Mathematics*.—The pass and honor courses in Mathematics and Physics of the first and second years.

(c) *Classics*.—The pass and honor courses in Classics of the first and second years.

(d) *French and German*.—The pass courses in French and

German of the four years, with the honor examination in conversation of the third year.

(e) *Science*.—Either the honor course in Natural Science of the second year with the Physics of the second and third years of the Chemistry and Mineralogy course; or the honor course in Chemistry and Mineralogy of the second year with the Physics of the third year of the same course and the Biology of the second year of the Natural Science course.

(6). The course of study for a certificate as a Commercial Specialist shall be as follows:—Precis of correspondence, Departmental papers, etc.; indexing of invoices, receipts, correspondence, and legal documents. Penmanship and the principles of Penmanship; Practical Bookkeeping in all its branches—particularly the Bookkeeping of Joint Stock Companies, Loan and Savings' Societies, Manufacturing Industries, and Municipalities, auditing of Books and Accounts. The Banking system of the country and its relation to commerce; annuities and exchange. The "corresponding style" of Isaac Pitman's system of Phonography; writing from dictation. The course prescribed for the Art School examination in Freehand; Industrial; Primary and Advanced Geometry; Parallel, Angular and Oblique Perspective; Model, Blackboard, and Memory Drawing.

UNIVERSITY EQUIVALENTS.

41. (1). The standing of the fourth year in Arts after a regular course in any chartered University in the British Dominions will be accepted in lieu of the Senior Leaving Examination.

(2). The examination of any University in the Province of Ontario will be accepted by the Education Department for a Specialist's Certificate on the following conditions:—

(a) Candidates shall take the regular University examinations: no special or supplemental examinations will be accepted.

(b) Each candidate shall submit to the Education Department, with his application, a copy of the time-table of each examination, and of the examination papers on which he wrote, both being certified by the Registrar of the University; a confidential statement from the Registrar of the University, of the marks obtained by the candidate on each paper, and of such other marks as may have been awarded him at each oral or practical examination.

(c) Should the standard set by the University be higher or lower than the Departmental standard, the Education Department shall value the papers as it may consider necessary.

APPEALS.

42. Candidates may claim to have their papers re-read upon the following conditions:—

(1). The appeal or claim must be in the hands of the Minister of Education on or before the 15th day of September; and the ground of the appeal must be specifically stated. No appeal shall subsequently be entertained on any ground whatever. No appeal shall be allowed in the case of a candidate for a Specialist's Non-professional Certificate.

(2). A deposit of two dollars must be made with the Department, which deposit will be returned to the candidate if his appeal or claim is sustained.

IV.—PROFESSIONAL TRAINING AND EXAMINATIONS.

43. Professional certificates shall be classed as Kindergarten Directors' and Assistants' certificates; Third Class, Second Class, First Class, Specialists', and High School Assistants' certificates; and certificates to Principals of High Schools and to Public School Inspectors.

KINDERGARTENS.

44. (1). No person shall be appointed to take charge of a Kindergarten in which assistant teachers or teachers-in-training are employed, who has not passed the examination prescribed for Director of Kindergartens; and no person shall be paid a salary or allowance for teaching under a Director who has not passed the examination prescribed for assistant teachers.

(2). No candidate shall be admitted to the course of training prescribed for assistants who is not seventeen years of age and who has not passed the High School Entrance Examination; and, after the first day of July, 1892, no person shall be admitted to the course prescribed for Directors unless such person has obtained an Assistant's certificate.

(3). Any person who attends a Kindergarten for one year and passes the examinations prescribed by the Education Department shall be entitled to an Assistant's certificate; and the holder of an Assistant's certificate shall, on attending a Provincial Kindergarten one year and on passing the prescribed examinations, be entitled to a Director's certificate.

(4). Any person holding a Second Class Certificate, who has taught successfully for one year, shall, on attending a Provincial Kindergarten one year and passing the examinations required by the Education Department, obtain a Director's certificate.

(5). Any candidate for an Assistant Kindergarten certificate who failed in one subject, but who attained the aggregate number of marks required, shall be permitted to write for a Director's certificate.

(6). The Minister of Education may, at his discretion, accept the certificate of any other training school for Kindergarten work, as the equivalent of the Departmental Kindergarten Examinations, or he may limit Kindergarten certificates to any city or town, as he may deem expedient.

Examinations.

45. (1). The Minister of Education shall prescribe the time and place for Kindergarten Examinations, and shall appoint such Examiners in the Theory and Practice of Kindergarten work as he may deem expedient. The examination for Directors shall embrace the General Principles of Froebel's System, 150 marks; Theory and Practice of the Gifts and Occupations, 100 marks; Mutter and Kose-Lieder, 100 marks; Miscellaneous Paper, 100 marks; Practical Teaching, 500 marks; and Book-work for those taking one year's course, 400 marks. The examination for Assistants shall embrace the Theory and Practice of the Gifts, two papers; Theory and Practice of the Occupations, one paper; Miscellaneous Paper; each paper 100 marks; Book-work, 400 marks.

(2). The Director of each Kindergarten sending up candidates to the examination for Assistants' certificates shall be required to certify to the Education Department that the Pease-work and Modelling have been satisfactorily completed.

(3). Candidates who obtain one-third of the marks in each subject of the written examination and half of the total marks obtainable, and half of the marks in Practical Teaching and Book-work, shall be entitled to a certificate.

CITY AND COUNTY MODEL SCHOOLS.

46. The examination for Third Class Certificates shall be conducted by the County Board of Examiners, which shall have authority to elect its own chairman and secretary. No Principal of a County Model School shall be a member of the County Board of Examiners. The secretary shall be paid such remuneration as may be approved by the County Council.

Establishment.

47. (1). The Board of Examiners for any county may, with the approval of the Education Department, set apart any Public School to be a County Model School for the professional training of Third Class teachers on the following conditions:—

The board of examiners are *obliged* to establish at least one Model School in each

county, subject to such regulations as to their establishment as the Education Department may make. The board has no discretion. See *ante*, p. 197.

(a) The Principal shall hold a First Class Provincial Certificate issued by the Education Department, and shall have had at least three years' experience as a Public School teacher.

(b) There shall be not fewer than three assistants holding at least Second Class Provincial Certificates.

(c) The equipment of the school shall be equal to that required by the Regulations for the Fourth form of a Public School.

(d) A room for Model School purposes, in addition to the accommodation required for the Public School, shall be provided either in the same building or equally convenient.

(e) The Principal shall be relieved of all Public School duties, except management, during the Model School term.

(2). The County Board of Examiners shall distribute the teachers-in-training among the different Model Schools, where more schools than one are established in a county; and, in cases where there may be a deficiency of room in any Model School, the Board shall give the preference of admission to such as have obtained the highest number of marks at the non-professional examination.

(3). The Board of Trustees for any city may, with the approval of the Minister of Education, establish a Model School for the training of teachers who are residents of such city; and in all cases such teachers-in-training shall, during the first term, take the course of studies prescribed for Model Schools and be subject to a similar inspection and examination.

The board of trustees are not, like the county board of examiners, obliged to establish a Model School, but may do so in their discretion. See *ante*, p. 149.

(4). Boards of Trustees may impose a fee of not more than five dollars on each teacher-in-training, and in addition thereto the County Council may impose a fee on each teacher-in-training not exceeding two dollars as an examination fee in

lieu of the amount chargeable against the county for conducting the professional examination.

Duties of Teachers-in-Training.

48. (1). Only persons holding at least a High School Primary Certificate shall be admitted to a County Model School, and applications for admission, stating age last birthday and choice of school, if any, shall be received by the Inspector not later than the 25th of August; but no person shall be admitted who will not be eighteen years of age on or before the close of the term.

(2). The teachers-in-training shall attend regularly and punctually from the first day of September till the final examination in December, and shall be subject to the discipline of the Principal, with an appeal, in case of dispute, to the Chairman of the County Board of Examiners.

(3). The teachers-in-training shall make no presentation to any member of the Model School staff.

Course of Study and Text-Books.

49. The Course of Study in County Model Schools shall embrace the following:—A course in School Organization and Management, based on Baldwin's Art of School Management (Canadian Edition), and Methods of Instruction in all the subjects prescribed for Forms I.-IV. of the Public Schools; such practice in teaching as will cultivate correct methods of presenting subjects to a class and develop the art of school government; a course in Temperance and Hygiene, based on the Manual of Hygiene for Normal and Model Schools, omitting chapters I., VII., VIII., IX., and XVI.; a knowledge of the School Law and Regulations, so far as they relate to the duties of Public School teachers and pupils; Music, as prescribed for Forms I.-IV. of the Public Schools; Drill and Calisthenics, as contained in Houghton's Physical Culture.

Examinations.

50. (1). The teachers-in-training shall be subjected to an examination in Practical Teaching during the last week of the session, and also to a written examination on papers prepared by Examiners appointed by the Minister of Education, the results of which, on the percentage fixed by the County Board of Examiners, and the report of the Principal on the standing of each student as shown by the register, shall determine their final standing.

(2). At the final examination each teacher-in-training shall teach two lessons, of twenty minutes each, one of which shall be assigned the day before, and the other forty minutes before, it is to be taught. These lessons shall be assigned by the Presiding Examiner, shall be appraised by different Examiners, and shall not be taught in the same form nor in the same subject.

(3). At the close of the examination the Chairman of the Board shall forward to the Education Department a full report of the examination on the form provided, and shall also forward the written answers of the candidates in all subjects, with the values awarded by the Examiners to the several answers marked on the margin.

51. The final examination of each County Model School shall be conducted by the County Board of Examiners on the following subjects and in accordance with the following schedule of marks:—Methods of Instruction, 250 marks; Theory of Education, 150 marks; Temperance and Hygiene, School Law and Regulations, Music, Drill and Calisthenics, 50 marks each; Teaching ability, 500 marks—250 by the Board and 250 by the Principal (report based on the practical work done in the Public School and the sessional answer papers on professional work). In the first four subjects, papers will be submitted by the Education Department. In Music, and Drill and Calisthenics the Board shall accept the results of an examination held by the Principal, or shall conduct a

special examination, as it may deem expedient. The Board shall have power to reject any candidate who may show himself deficient in scholarship.

THIRD CLASS CERTIFICATES.

52. (1). When a Third Class Certificate has expired, the holder thereof may, on passing the High School Primary Examination or an examination of a higher grade, and on proof of good character and of efficiency as a teacher, obtain from the Board of Examiners of the county in which he has last taught, a renewal of the same for a period not exceeding three years, at the discretion of the Board.

A third-class certificate is only valid in the province for three years from the date it is granted. *Ante*, p. 193.

(2). Where the holder of an expired Third Class Certificate, though failing in one or more subjects, obtains the aggregate marks required at the Primary Examination or Junior Leaving Examination, the Board of Examiners may, if satisfied with the efficiency and aptitude of such candidate as a teacher, renew such Third Class Certificate for a period not exceeding three years.

(3). Where a teacher, on account of illness or any other reason satisfactory to the Board of Examiners, was prevented from teaching on his certificate for the full time of its duration, the Board may extend, by endorsement, such certificate for a period not exceeding the time such teacher was unable to avail himself of his certificate.

(4). In case of an emergency, such as a scarcity of teachers, or for any other special cause, Third Class Certificates may be extended by the Minister of Education, on the joint request of any Board of Trustees and the Public School Inspector; but all such extensions shall be limited to the school on whose behalf the request is made, and shall be granted only where it is shown that trustees have used reasonable diligence to obtain a duly qualified teacher.

(5). Third Class Certificates may, on the petition of any Board of Trustees, be extended by the Minister of Education during good behavior on satisfactory evidence being supplied :—
(a) That the applicant has taught for a period of ten years ;
(b) That he has shown reasonable ability and efficiency as a teacher ; (c) That he is physically competent for the duties of the profession.

DISTRICT TRAINING SCHOOLS.

Establishment.

53. (1). The Minister of Education may set apart not more than two schools in each of the Districts of Thunder Bay, Algoma, Parry Sound and Nipissing as training schools for candidates for Public School District Certificates.

(2). No school shall rank as a District Training School except upon the following conditions :—

(a) The Principal shall hold at least a First Class Provincial Certificate.

(b) There shall be in addition to the Principal two other teachers on the staff, one of whom shall hold a Second Class Provincial Certificate.

(c) There shall be an attendance of not less than ten candidates preparing for the examination at the close of the next ensuing summer term of the school, and the course of study shall be limited to the subjects prescribed for the Fifth form of Public Schools.

(d) The accommodations and equipment of the school shall be approved by the Minister of Education.

Boards of Examiners and Examinations.

54. (1). The Boards of Examiners constituted under section 142 of *The Public Schools Act*, may issue certificates, valid only in such portions of their respective district or districts

as they may deem expedient, for a period not exceeding three years.

These certificates, which are of the third class, are valid only in the Districts of Rainy River, Thunder Bay, Nipissing, Algoma, Parry Sound, Muskoka and Haliburton; and in the counties of Victoria, Peterborough, Hastings, Renfrew, Lennox, and Addington, Frontenac, Leeds, Lanark, Carleton, Grenville, Dundas, Stormont, Russell, Glengarry, and Prescott. *Ante*, p. 193.

In the above districts, each board consists of the inspector, the district judge, and the stipendiary magistrate; and, in the above counties, of the county board of examiners. *Ante*, p. 193.

(2). The Board of Examiners shall prepare the examination papers or determine their equivalents; fix the time and place for examinations, and read and value the answers; determine the fees to be paid by candidates; and generally exercise all the powers of County Boards of Examiners.

(3). Each Board of Examiners shall, as soon after the examination as possible, report to the Minister of Education the names and residences of the candidates examined, the number of certificates granted, and enclose therewith a full set of the examination papers.

(4). The Board of Examiners may require attendance at a County Model School or such other professional training as may be deemed expedient, or may, without re-examination, extend a certificate for the District for a period not exceeding three years.

(5). The members of District Boards of Examiners shall be entitled to the same remuneration as the members of County Boards, where the two Boards are identical. In all other cases the members of District Boards shall be allowed the sum of \$3 per diem for presiding at the examination, and a further sum of \$1 per candidate for reading the answer papers. Where county organization exists, all the expenses of the examinations, so far as they may not be covered by fees, shall be paid by the County Council.

The members of county boards are entitled to the sum of \$4 per diem and travelling expenses. *Ante*, p. 197.

TRAINING OF FRENCH AND GERMAN TEACHERS.

55. In counties where there is a scarcity of teachers qualified to teach in the English language, the Board of Examiners for the county, with the approval of the Education Department, may establish a Model School for the special training of French or German teachers. Such schools shall hold two sessions each year, and shall in addition to the ordinary professional course required for County Model Schools, give a full literary course in English in all the subjects prescribed for Third Class Teachers' Certificates or for District Certificates, as the Board may direct. The final examination for certificates to teach shall be conducted in the English language. There shall also be a final examination in the French or the German language, in reading, grammar, and composition. Boards of Examiners shall possess all the powers with respect to such schools as they now possess with respect to County Model Schools. The Regulations governing the inspection of County Model Schools by the County and Departmental Inspector shall apply to these schools.

PROVINCIAL NORMAL SCHOOLS.

56. The sessions of the Provincial Normal Schools shall begin and end on dates to be fixed by the Minister of Education.

57. (1). Teachers who hold at least a High School Junior Leaving Certificate, and who have passed the final examination of the County Model School and taught successfully for one year, shall be admitted to a Normal School, and on passing the examinations prescribed shall be awarded a Second Class Certificate. Teachers-in-training who fail on the written examination only, may be granted a temporary certificate by the Minister of Education until the next ensuing examination of the Normal School.

(2). Teachers-in-training who have passed the Junior Leaving Examination or the examination of a higher grade, who obtain a Third Class Certificate at a City Model School, and who

continue under the instruction of the Principal for one full school term thereafter, shall be admitted to a Provincial Normal School.

(3). Before being permanently admitted, teachers-in-training shall be examined at the opening of the session orally and in writing by the Normal School masters, with such assistance as the Minister of Education may think necessary, upon the following works :—Hopkins' Outline Study of Man ; the first seven lectures. Quick's Educational Reformers (International Educational Series, 1890 Edition); the first sixteen chapters. Fitch's Lectures on Teaching ; the first five lectures.

(4). Teachers-in-training shall each pay an entrance fee of \$5.00.

Duties of Principals and Masters.

58. (1). The Principal shall be responsible for the discipline and organization of the Normal School students ; he shall prescribe the duties of the Masters, subject to the approval of the Minister of Education ; he shall cause such sessional examinations to be held as he may deem necessary, and shall keep a record of the same ; he shall give such directions to the officers of the Normal School as will secure the efficiency of the service.

(2). The Masters shall be responsible to the Principal for the discipline and general progress of their classes ; they shall report monthly to the Principal the standing of each teacher-in-training in the subjects of their departments, and daily, the absence of any student from their classes.

Duties of Teachers-in-Training.

(1). Teachers-in-training shall lodge and board at such houses only as are approved by the Principal. Ladies and gentlemen shall not board at the same house. Communication between the sexes is strictly prohibited, except by permission of the Principal or one of the Masters.

(2). Teachers-in-training shall attend regularly and punctually

throughout the session, and shall submit to such discipline and perform such duties as may be prescribed by the Principal.

(3). The teachers-in-training shall make no presentation to any member of the staffs of the Normal or the Model Schools.

Course of Study and Text-Books.

59. (1). The course of study and training shall be as follows:—History of Education; Science of Education; School Organization and Management; Methods of teaching each subject on the programme of studies for Public Schools; practice in managing classes and in teaching in the Model School; instruction in Temperance and Hygiene, Agriculture, Reading, Writing, Drawing, Music, Drill and Calisthenics, and such other subjects as may be prescribed by the Minister of Education.

(2). In addition to the books prescribed for Forms I.-IV., of Public Schools, the following are authorized for Normal Schools:—McLellan's Applied Psychology, Fitch's Lectures on Teaching, Manual of Hygiene, Houghton's Physical Culture, Quick's Educational Reformers (International Educational Series, 1890 Edition).

Examinations.

60. (1). Teachers-in-training shall take the following examinations:—(a) At least two written examinations conducted by the staff of each Normal School on the work of the session; (b) a final written examination conducted by the staffs of the Normal Schools and Examiners appointed by the Minister of Education, in the History of Education, the Science of Education, School Organization and Management, and Methods of Teaching; (c) a final examination in Practical Teaching, conducted by Examiners appointed by the Minister; and (d) a final examination in Temperance and Hygiene, Agriculture, Reading, Writing, Drawing, Music, Drill and Calisthenics, conducted by the staff of each Normal School, unless otherwise ordered by the Minister of Education.

(2). The following schedule of marks shall be the basis for determining the standing of each teacher-in-training: History of Education, 150; Science of Education, 200; School Organization and Management, 150; Methods in English, and Mathematics and Natural Science, 200 each; Teaching ability on the report of the staff of each Normal School (estimate based on the practical work done in the Model School and the Sessional Examination papers on professional work), 500; Practical examination in the Model School (estimate made by Examiners appointed by the Minister), 200; Temperance and Hygiene, Agriculture, Reading, Writing, Drawing, Music, and Drill and Calisthenics, 50 each.

(c). Teachers-in-training who have passed the Sessional Examinations shall be entitled to certificates on obtaining (a) one-half of the marks at the final Practical Examination in the Model School; (b) one-third of the marks in each subject at the final Written Examination conducted by the staffs of the Normal Schools and Examiners appointed by the Minister; (c) one-half of the marks for teaching ability, on report of the staff of each Normal School; (d) one-half of the aggregate marks given under (a) (b) and (c); and (e) one-third of the marks in each subject at the final examination in Temperance and Hygiene, Agriculture, Reading, Writing, Drawing, Music, and Drill and Calisthenics, with one-half of the aggregate marks in these subjects. Any candidate who obtains fifty per cent. in each subject and seventy per cent. of the aggregate shall be entitled to a certificate with honors. The Examiners shall have power to reject any candidate who may show himself deficient in scholarship.

Instructions to Examiners.

61. At the final examination in Practical Teaching, the Examiners shall be guided by the following instructions:—

(1). The Presiding Examiner appointed by the Minister of Education shall, on consultation with the Principal of the Normal School, arrange a time-table for the examination; and

shall, on consultation with the teachers of the Model School, assign the lessons to the students who are to teach before the Examiners. Both lessons shall not be assigned in the same form or in the same subject, and no lesson shall be assigned more than once in any class.

(2). The subject of the first lesson shall be given by the Presiding Examiner to the teacher-in-training the day before, and the subject of the second lesson forty minutes before, the lesson is to be taught.

(3). After a lesson has been assigned, no hint or assistance of any kind shall be given to a teacher-in-training by any Examiner, or teacher on the staff of the Normal or the Model School.

(4). The full time of twenty minutes shall be given to each lesson taught by a teacher-in-training.

(5). The lessons taught by a teacher-in-training shall be appraised by different Examiners.

(6). Not more than six lessons shall be taught before an Examiner in the forenoon, and not more than four in the afternoon.

(7). The regular hours for assembling and dismissing the Model School divisions shall be strictly adhered to.

(8). Unless absolutely necessary, the regular teacher in charge of the form should not be present during the examination of the teachers-in-training in practical teaching.

(9). In practical teaching, the Examiners shall assign the marks according to the aptitude and efficiency of each teacher-in-training, and in all doubtful cases they shall in writing also set forth in detail their opinion of the qualifications of the teachers-in-training.

(10). After a lesson has been taught, no information or opinion shall be given to the candidate as to his standing or marks. All reports in connection with the examination shall be considered by the Examiners as strictly confidential, and

no certificate shall be given to any of the teachers-in-training by any of the Examiners or members of the Normal or Model School staffs.

(11). Immediately after the close of the examination each Presiding Examiner shall send to the Education Department a return of the practical examinations in the prescribed form.

(12). If, from any unforeseen cause, the Regulations of the Department are varied in any particular case, the Presiding Examiner shall report such variation fully to the Minister of Education at the close of the examination.

PROVINCIAL MODEL SCHOOLS.

62. (1). The Principal and Head Mistress of each Model School shall act under the direction of the Principal of the Normal School to which the Model School is attached, and shall be responsible to him for the order, discipline, and progress of the pupils attending the boys' and girls' Model Schools respectively.

(2). The terms of the Model Schools shall correspond to those in High Schools, and, except to fill up vacancies, pupils shall be admitted only at the beginning of a term. The hours of daily work shall be from 9.30 A.M. to 12. M., and from 1.30 P.M. to 3.30 P.M.

(3). The Regulations respecting pupils in Public Schools shall apply to the pupils of the Model School, subject to such modifications as may be approved by the Minister of Education on the report of the Principal of the Model School.

(4). All teachers on the Normal or Model School staff who may be out of the city during any vacation shall return to duty not later than the day before the reopening of the school.

GENERAL.

63. (1). The session of the Provincial School of Pedagogy shall begin on the first of October and end on the thirty-first

of May. Application for admission to the school shall be made to the Minister of Education on or before the first of September.

(2). Teachers-in-training, on admission to the School, and other candidates, on admission to the final written examination, shall each pay a fee of \$10.00. The fee must in every case accompany the application.

64. (1). A candidate for admission to the School of Pedagogy must show that he is (a) the holder of a Senior Leaving Certificate, or that he is an undergraduate of the standing of the fourth year, or that he is the holder of a Degree in Arts, obtained after a regular course, from a University in the British Dominions; and (b) that he will be twenty-one years of age before the close of the session.

(2). (a) The following classes of persons, being twenty-one years of age, shall be eligible without attendance at the School of Pedagogy, for admission to the final examination of the School or to a special examination for such persons in December of each year :—Holders of Second Class Certificates who hold the non-professional qualification prescribed in 64 (1) above, and who have taught successfully for two years in a Public School; and holders of First Class Certificates or High School Assistants' Certificates.

(b) A candidate at the non-professional examination for specialists in any year, who holds a High School Assistant's Certificate and has taught a department in a High School, may, on the recommendation of the High School Inspectors, write upon the professional papers in such department at the final examination of the School of Pedagogy in the same year.

(3). The following certificates for Public School purposes may be awarded to candidates who pass the prescribed examinations of the School of Pedagogy :—

(a) Inspectors' certificates to teachers with First Class Certificates, who have passed the written examination in methods prescribed for specialists, and have the non-professional

qualifications required for specialists in any except the commercial department, or a Degree in Arts from the University of Toronto with first-class graduation honors in any one of the recognized departments in said University, or an equivalent standing in any other University of Ontario; and who have had at least five years' successful experience in teaching, at least three of which shall have been in a Public School.

(b) First Class Certificates to those who have had at least two years' successful experience in a Public School, as certified by the Public School Inspector or Inspectors under whom they have taught.

(c) Second Class Certificates to those who have not had the experience required in (b) above.

(4). The following certificates for High School purposes may be awarded to candidates who pass the prescribed examinations of the School of Pedagogy:—

(a) Interim Specialists' certificates.

(b) Interim Assistants' certificates.

(5). (a) The holder of an Interim certificate may be awarded a full certificate of the same grade after at least two years' successful experience, subsequent to the date of his certificate, and as certified by the High School Inspector or Inspectors under whom they have taught.

(b) High School Principals' certificates may be awarded to University graduates in Arts who have had at least three years' successful experience, at least two of which shall have been in a High School, as certified by the Inspector or Inspectors under whom they have taught.

(c) The holders of Second Class Certificates obtained as in (3) (c) above, may be awarded First Class Certificates after at least two years' successful experience in a Public School, as certified by the Public School Inspector or Inspectors under whom they have taught.

(6). The holders of First Class Certificates or of Public School

Inspectors' certificates, granted under the regulations requiring Specialists' certificates, may receive, on application to the Minister, Interim High School Assistants' or Specialists' certificates, as the case may be.

DUTIES OF STAFF.

65. (1). The Principal shall be the chief instructor in the theoretical and critical course, and shall be responsible for the organization and management of the school. He shall have charge of the teachers-in-training and determine the hours for instruction, observation, and practical teaching. He shall prescribe the duties of the staff and shall from time to time be present at their instructions, and at the practice-teaching of the teachers-in-training. He shall, with the assistance of his staff, furnish the Minister of Education with a statement in the prescribed form, of the standing of each teacher-in-training at the close of the session and with copies of all the sessional examination papers.

(2). Each Lecturer shall develop systematically the best method of dealing with each branch of his department in the various stages of a pupil's progress, and shall, as far as possible, explain and justify his methods on scientific principles, giving model lessons for classes in different stages of advancement. He shall also criticize the practice-teaching of the teachers-in-training, and shall keep a record of the standing of each teacher-in-training.

(3). No certificate or testimonial shall be given to any teacher-in-training or other candidate at the final examination, by any of the Examiners or members of the staff of the School of Pedagogy.

DUTIES OF TEACHERS-IN-TRAINING.

66. (1). Teachers-in-training shall lodge and board at such houses only as are approved by the Principal. Ladies and gentlemen shall not board at the same house. Com-

munication between the sexes is strictly prohibited, except by permission of the Principal or one of his staff.

(2). Teachers-in-training shall attend regularly and punctually throughout the session, and shall submit to such discipline and perform such duties as may be prescribed by the Principal. Each teacher-in-training shall take the lectures and practice-teaching in all the subjects required for his final examination.

(3). The teachers-in-training shall present no address or similar mark of approbation to any member of the staff of the School of Pedagogy.

COURSES OF STUDY AND TEXT-BOOKS.

67. (1). The course of study and training shall be as follows: Psychology, the history and criticism of Educational systems, the Science of Education, lectures with practical illustrations of the best methods of teaching each subject on the programme of studies for High Schools, lectures on School Organization and Management, Observation and Practice-teaching; instruction in Reading, Physiology and Temperance, Writing, Drawing, and Stenography; Drill, Gymnastics and Calisthenics for male teachers; and Drill and Calisthenics for female teachers; and such other subjects as may be prescribed by the Minister of Education.

(2). In addition to the text-books prescribed for Collegiate Institutes and High Schools, the following are authorized for the School of Pedagogy: Quick's Essays on Educational Reformers (International Educational Series, 1890 Edition), McLellan's Applied Psychology, Spencer's Education, Landon's School Management, Fitch's Lectures on Teaching, Manual of Hygiene; Infantry Drill as revised by Her Majesty's command (ed. 1892)—for male teachers, Parts I. and II., and, for female teachers, Part I., pp. 1-31; for male and female teachers, Houghton's Physical Culture (omitting Squad Drill); and, for male teachers, MacLaren's Physical Education, Part II., Sections II. and III.

(3). The following are recommended for reference : Mahaffy's Old Greek Education, Compayre's History of Pedagogy, Gill's Systems of Education, Radestock's Habit in Education, Dewey's Psychology, Sully's Teachers' Handbook of Psychology (Appleton), Ladd's Outlines of Physiological Psychology.

68. (1). During the session the teachers-in-training shall be required to take at least two written examinations, one in December and the other in March, to be conducted by the staff of the school on the work of the session. They shall also take such oral examinations from time to time as may be prescribed for the purpose of testing their knowledge of methods and their teaching ability. The maximum of marks in each subject used by the staff for the combined results of the oral and written examinations, and the number of papers at each written examination shall be the same as those prescribed for the final written examination. No teacher shall be recommended for a certificate against whom the staff reports unfavorably on account of defective teaching ability.

(2). At the close of the session a written examination shall be conducted by Examiners appointed by the Minister of Education. At this examination all candidates shall be required to write on Psychology, Science of Education, History of Education, School Organization and Management, Methods in Mathematics, and Methods in English. Candidates who have University qualifications shall take in addition, Methods in Latin and in Science (subjects covered by non-professional certificate) and Methods either in Greek or in French and German. Holders of Senior Leaving Certificates, obtained on Departmental examinations, shall take methods in Science, (subjects covered by non-professional certificate) or Classics, or French and German, in addition to the compulsory subjects above mentioned. Candidates for a Commercial Specialist's Certificate shall also be examined in Methods in the Commercial subjects at the time they take the non-professional examination. The Report of the Special Instructors in Reading,

and Drill, Gymnastics, and Calisthenics will be accepted, unless otherwise ordered by the Minister of Education.

(3). (a) In order to obtain a certificate, every teacher-in-training shall make at least one-third of the marks in each subject at the sessional (oral and written) and the final examinations taken together, and one-half of the aggregate of these examinations. For Specialists' Certificates, the standard shall be two-thirds of the marks in the candidate's special department.

(b) Candidates who are exempt from attendance shall take the final written examination, and an examination in Reading and, for male teachers, in Drill, Gymnastics and Calisthenics, and, for female teachers, in Drill and Calisthenics. In Reading, and in Drill, Gymnastics, and Calisthenics, the standard shall be 50 per cent. on each subject; and in the other subjects and in the total, the standard shall be the same as for teachers-in-training.

(c) Any candidate who obtains fifty per cent. in each subject and seventy per cent. of the aggregate, shall be entitled to a certificate with honors. The Examiners shall have power to reject any candidate who may show himself deficient in scholarship.

(4). The schedule of marks for determining the standing of candidates at the sessional and final examination shall be as follows:—Psychology, 200; Science of Education, 200; History of Education, 150; School Organization and Management, 150; Methods in English and Mathematics, 150 each; Methods in Science, Classics, and French and German, 100 each; and Reading, and Drill, Gymnastics and Calisthenics, 100 each.

69. The regulations herein contained shall apply to all candidates entering the School of Pedagogy at the next session in October, and Regulations 63 to 71 and 72 (1) and (5) approved

by Minute of the Education Department 14th July, 1892, are hereby repealed on and after 1st January, 1894.

70. (1). At Collegiate Institutes to be selected by the Minister, candidates who are exempt from attendance at the School of Pedagogy, shall pass the final written examination in December of the School of Pedagogy, and an examination in Reading, and in Drill, Gymnastics and Calisthenics, conducted by Examiners appointed by the Minister. They shall also pass the June Examination in Practical Teaching.

(2). The results of the examinations of such teachers shall be determined on the same basis as that prescribed for teachers-in-training, omitting the marks for Teaching ability.

The whole of this section is repealed on and after 1st January, 1894. See *ante*, D.R., s. 69.

INSTRUCTIONS TO EXAMINERS.

71. The Examiners at the practical examination shall be guided by the following instructions:—

(1). Each candidate shall teach at least three lessons of thirty minutes each, and the full time of thirty minutes shall be allowed by the Examiner for each lesson.

(2). The subjects of the lessons assigned shall be such as are suitable for High School pupils, or for pupils of the Fifth form of the Public Schools, due regard being had to the character of the candidate's non-professional certificate. No lesson shall be assigned more than once in any class.

(3). One of the three lessons shall be in the department of English, and one in the department of Mathematics. The subject of the third lesson shall be determined by the department covered by the candidate's non-professional certificate: in the case of candidates who hold University non-professional qualifications, it shall be in one of the following departments: (a) Latin and Greek, and (b) Latin, French and German; and in the case of other candidates, it shall be in one of the following departments: (a) Latin and Greek, (b) French and

German, and (c) Physics, Botany and Chemistry, and in Zoology (in the case of Senior Leaving Certificates obtained in July, 1890, and thereafter).

(4). For a candidate for a Specialist's Certificate, subjects shall be assigned in his specialty of a more difficult character than would be assigned for a pass candidate; and, if this department be not one of those in which he would be assigned a lesson in the ordinary course of the examination, the Presiding Examiner may substitute one or more in the Specialist's department for any one of the three regular lessons.

(5). The Examiners appointed by the Minister of Education will present themselves at the Schools to which they are respectively assigned, on the afternoon of the day preceding the practical examination.

(6). The Presiding Examiner shall arrange a time-table for the examination, and shall, on consultation with the other Examiners, select the lessons for the candidates.

(7). The time-table shall be posted in a suitable place on the afternoon of the day preceding the practical examination, and shall indicate the hours at which, the forms in which, and the Examiners before whom, the candidate is to teach his three lessons.

(8). The subject of one of the lessons shall be given the candidate by the Presiding Examiner the day before, and the subjects of the other lessons one hour before the time he is required to teach; and in the case of each of the three lessons, it shall be the duty of the candidate to apply to the Examiner for the subject at the proper time.

(9). After a lesson has been assigned, no hint or assistance of any kind shall be given to a candidate by any Examiner or Collegiate Institute master.

(10). The candidate shall teach before at least two Examiners, one of whom shall be the Presiding Examiner.

(11). In practical teaching, the Examiners shall assign the

marks according to the aptitude and efficiency of each teacher-in-training, and in all doubtful cases they shall in writing also set forth in detail their opinion of the qualifications of the teachers-in-training.

(12). Immediately after the close of the examination each Presiding Examiner shall send to the Education Department, a return of the practical examination in the prescribed form.

(13). After a lesson has been taught, no information or opinion shall be given to the candidate as to his standing or marks. All reports in connection with the examinations shall be regarded by the Examiners as strictly confidential.

(14). If, from any unforeseen cause, the Regulations of the Education Department are varied in any particular, the Presiding Examiner shall report such variation fully to the Minister at the close of the examination.

(15). Regulations 63 to 71, formerly adopted with regard to the School of Pedagogy, are hereby repealed.

Sections 70 and 71 are repealed on and after 1st January, 1894. See section 69.

HIGH SCHOOL PRINCIPALS' AND ASSISTANTS' AND PUBLIC SCHOOL INSPECTORS' CERTIFICATES.

72. (1). The professional qualification of a Principal of a High School shall be at least two years' successful teaching in a High School or Collegiate Institute.

This sub-section is repealed on and after 1st January, 1894. See section 69.

(2). Special teachers of Music, Drawing, and Drill, Gymnastics and Calisthenics shall possess qualifications satisfactory to the Minister of Education.

(3). Teachers of ten years' experience, who are now in charge of the Commercial Course in High Schools or Collegiate Institutes and who have taught all the subjects of the course herein prescribed for a certificate as Commercial Specialist and obtained therein First-class grading on inspection, before the first day of July, 1891, shall be entitled

to certificates in the Commercial Department without examination. All other teachers now in charge of the Commercial Course in Collegiate Institutes shall be regarded as legally qualified specialists in the Commercial Department so long as they retain their present positions.

(4). If, after due advertisement, a High School Board is unable to obtain a legally qualified High School Assistant, a permit may be granted by the Minister of Education for the then current half year to a suitable applicant on a statement of the case by the High School Board, submitted to the Minister before such appointment.

(5). The qualifications for a Public School Inspector's Certificate shall be (a) five years' successful experience as a teacher, of which at least three years shall have been in a Public School; and (b) a Specialist's Certificate obtained on a University examination, or a Degree in Arts from the University of Toronto with first class graduation honors in one or more of the recognized departments in said University, or an equivalent standing in any other University of Ontario, with a certificate of having passed the final examination of the Provincial School of Pedagogy.

This sub-section is repealed on and after 1st January, 1894. See section 69.

TEACHERS' INSTITUTES.

73. (1). The officers of a Teachers' Institute shall be a president, vice-president and secretary-treasurer. There shall be a management committee of five. The officers of the Institute and the management committee shall be elected annually.

(2). There shall be one meeting of the Institute each year, extending over two or more days, for the election of officers and the discussion of such matters as may be submitted by the management committee.

(3). The first day's session shall be from 10 a.m. to 12 m., and from 2 p.m. to 5 p.m.; on the second day from 9 a.m. to

12 m., and from 2 p.m. to 4 p.m. A copy of the programme shall be sent to every teacher in the county or inspectoral division, at least one month before the time of the meeting. All questions and discussions foreign to the Teachers' work shall be avoided.

(4). A portion of the afternoon of the second day should be set apart for discussing such matters as affect the relations between the Teacher and the Trustees, of which special notice should be given by the Secretary to every Board of Trustees in the county or inspectoral division. The actual travelling expenses of one representative from each Board of Trustees may be allowed by the Board for attendance in all such cases.

(5). Every Public School teacher shall attend continuously all the sessions of the Institute of his county or inspectoral division, and, in the event of his inability to attend, shall report to his Inspector, giving reasons for his absence.

(6). The Inspector shall furnish the Secretary of the Institute with a list of the teachers in his county or inspectoral division. From this list the roll shall be called at the opening of each session. He shall also report to the Department on the form prescribed.

(7). Any teacher who has been elected a delegate, by the association of his county or inspectoral division, to the Provincial Teachers' Association shall be at liberty to attend the meeting of such association for any time not exceeding one week each year, providing always he shall report to the Trustees such attendance, certified by the Secretary of said Provincial Association.

V.—INSPECTION.

COUNTY PUBLIC SCHOOLS.

74. It shall be the duty of every County Inspector:—

(1). *To spend at least half a day each term in each school.* Where a school has several departments, the Inspector should devote

half a day to each department. When, however, from the character of the work done, an Inspector thinks it would be in the interest of the school to extend his visit over the whole day, he should do so.

(2). *To satisfy himself as to the progress made by the pupils from time to time.* This cannot be done without many memoranda of the standing of each class. It will therefore be necessary for the Inspector to make copious notes in regard to each recitation, showing the condition of each class and the proficiency attained in the several subjects of the curriculum. This part of the work should be thorough and searching; and the conclusions arrived at should be based on the Inspector's own observation.

(3). *To examine into the methods of instruction pursued by the teacher.* To do this the Inspector should require the teacher of the school to teach several lessons in his presence. In this way the teacher's methods can be observed and hints given for improvement should he evince any faults of method or of manner. Great attention should be paid to methods; the proper and logical presentation of a subject is so important that success is impossible without it. He should see that the prescribed time for instruction in Temperance and Hygiene is observed.

(4). *To teach a few model lessons himself.* The proper methods of teaching subjects that are found to be neglected or badly taught by the teacher should be exemplified by the Inspector. Here all the qualities which go to form the model teacher should be exercised. His methods of questioning and of receiving answers, of arousing the enthusiasm of the class, of securing attention, of reaching by apt illustration the judgment of the pupils, should serve the teacher both as a model and as a stimulus.

(5). *To ascertain the nature of the discipline exercised by the teacher.* This no doubt will appear from the attention and diligence of the pupils, without special enquiry. The manner

of the teacher will very soon indicate the nature of the discipline. It would be well, nevertheless, to ascertain whether corporal punishment is frequently resorted to, and if not, what are the punishments (if any) usually inflicted.

(6). *To examine the registers, maps, seats, and all the internal and external equipment of the schoolhouse.* He should see (a) that the register and class book are properly and neatly kept, and ascertain whether or not entries are made therein daily; (b) that the maps are suitable and well preserved; (c) that blackboards are in proper repair, and that crayons and brushes are fully supplied; (d) that the furniture is generally adequate; (e) that proper attention is paid to the heating and ventilation of the rooms; (f) that the fences and outhouses are in proper repair; (g) that the School Library is suitably cared for.

(7). *To report to Trustees in regard to such matters as require their attention.* This duty the Inspector should never neglect. The Trustees of a school expect to be informed and directed as to many matters coming under the cognizance of the Inspector, who is, in a certain sense, their officer, and is appointed for the very purpose of aiding them in the discharge of their duties. His report, therefore, on the school should be full. Every necessary change coming within the scope of the duties of the Trustees should be mentioned in detail; and in no case should the school grant be withheld, until they have had an opportunity of removing any defect to which their attention has been called.

(8). *To give such advice to teachers as may be deemed necessary.* This part of the Inspector's duty should be performed with tact and delicacy, and perfect frankness. Whatever defects in the teacher's manner, or in his discipline of the pupils, or methods of instruction, are discovered during the inspection of the school, should be plainly pointed out. Wherever the Inspector has reason to believe that there is any defect in the organization of the school, or in its classification, or in attention on the part of the pupils, it should be referred to, and

the proper remedy suggested. This, of course, should be done privately—not in the presence of the pupils.

(9). *To see that no unauthorized text-books are used in the school.* No text-books should be placed in the hands of the pupils, except those authorized for their use. Under the disguise of being books for "home study," many unauthorized text-books are introduced into the school. This should be prevented by the Inspector in the exercise of his authority as an officer of the Education Department.

(10). *To withhold the school grant in certain cases.* Before the school grant is withheld: (a) An opportunity should be afforded the Board of Trustees to remedy the wrong complained of. (b) A full statement of the case should be sent to the Department, and the consent of the Minister of Education obtained. As the grant can be withheld for any violation of the School Act or Departmental Regulations, the power thus conferred should be exercised judiciously, and only when other remedies fail.

(11). *To divide the school grants.* Care should be taken to see that the semi-annual returns of the Boards of Trustees are properly added up, and if any doubt exists as to their accuracy they should be compared with the school register. When the division of the grant is made, as required by law, it will be sufficient for the Inspector to send a statement to the Township Treasurer of the amount due each school section, and at the same time to notify the Secretary-Treasurer of each Board of Trustees of the amount due its section. The Board of Trustees can then give an order either to the teacher or to some other person to whom it desires to have the money paid, and on this order the Township Treasurer is authorized to pay the money.

(12). *To decide complaints made within twenty days in regard to the election of Trustees and other matters.* In discharging this duty the Inspector should remember that he is exercising judicial functions and should accordingly proceed with due

deliberation. He has a right to withhold his decision until such evidence is produced as he may deem necessary in regard to the question at issue.

(13). *To grant, on examination, temporary certificates.* These certificates should be granted only (a) when petitioned for by a Board of Trustees, and only for the school over which such Board has jurisdiction; and (b) until the date of the next ensuing Departmental Examination; and (c) when it appears that a teacher holding a regular certificate is not available. The consent of the Minister of Education is also necessary in every case.

(14). *To suspend a teacher's certificate.* This should be done only when the Inspector is fully satisfied that the teacher is incompetent or immoral, or has wilfully violated the School Law or the Regulations of the Educational Department. In the final investigation by which such suspension is to be confirmed or set aside, the fullest opportunity should be afforded the teacher to vindicate himself. Judicial fairness should in this instance also characterize the conduct of the Inspector.

(15). *To visit the County Model School at least twice in each term.* It is very desirable that the Inspector should be present at the opening of the Model School and assist the Principal in its organization. He should also visit the school during the term, and by his presence and counsel encourage the teachers-in-training in the pursuit of their studies. For two such visits he should be paid by the county council at the same rate as he is paid for Public School Inspection.

(16). *To examine carefully in English every pupil according to the course of studies prescribed for Public Schools; but he shall be at liberty to use his own discretion as to what explanations he will give in any other language that appears to be better known by the pupil.* The standard of efficiency recognized in Public Schools where the English language only is taught shall be the standard for French and German schools, reasonable allowance being made for pupils whose mother

tongue is French or German. The Inspector shall report at once to the Education Department any school in which the regulations respecting the study and use of English are disregarded by the teacher or trustees.

As to the statutory duties of county inspectors, see section 155 of *The Public Schools Act, 1891*, and sub-sections thereof, *ante*, pp. 203-208.

CITY AND TOWN PUBLIC SCHOOLS.

75. Inspectors in cities and towns shall perform similar duties as County Inspectors so far as practicable, and shall in addition perform such other duties as may be prescribed by the Board of Trustees. In cities with more Inspectors than one, each Inspector may be required to report separately to the Education Department.

See section 156 of *The Public Schools Act, 1891*, *ante*, p. 209.

SEPARATE SCHOOLS.

76. Inspectors of Separate Schools shall perform the like duties as Inspectors of Public Schools, and shall, with regard to Separate Schools, have, so far as the same is practicable, like power and authority as Public School Inspectors have with regard to Public Schools.

MODEL SCHOOLS.

77. The Inspector of Model Schools shall visit each Model School at least once in two years, and shall devote a full day to the examination of the teachers-in-training, and the inspection of the departments used for Model School purposes, and shall report annually to the Minister of Education on the standing of each Model School and all other matters affecting the efficiency of the schools.

NORMAL SCHOOLS.

78. The Inspector of Normal Schools shall visit each Normal School at least once in each year, and shall spend not less than four weeks in the inspection of the work of each

Normal and Model School and shall report annually to the Minister of Education with regard to the efficiency of the schools and the standing of each teacher of the staff and all other matters affecting the interests of the schools.

HIGH SCHOOLS.

79. (1). Each High School Inspector shall visit the High Schools and Collegiate Institutes in the section of the Province assigned to him, at least once in each year; and shall spend not less than one day in each school having two or three masters, and such additional time in a school with four or over four masters as the interests of the school may require.

(2). At each visit he shall ascertain the character of the teaching in the different departments of study; and shall make enquiry and examination, in such manner as he may think proper, into the efficiency of the staff, the accommodation and equipment of the school, and all matters affecting the health and comfort of the pupils. He shall also report any violation of *The High Schools Act* or the Regulations of the Education Department in reference to High Schools, after making such enquiry as he may think proper.

(3). He shall report to the Minister of Education, within one week after his inspection, the result of his observations and enquiry in a form prescribed for that purpose.

POWERS OF INSPECTORS.

80. The Inspector, while officially visiting a school, shall have supreme authority in the school, and may direct teachers and pupils in regard to any or all of the exercises of the school-room. He may either examine the classes himself or direct the teachers to do so. He is at liberty to give such advice to pupils or to the teacher as he may deem necessary. All his counsels, however, should be given in a spirit of kindness, and his authority should be exercised, not with a view to overawe or intimidate, but to reform abuses, correct mistakes, and inspire confidence and respect. He should be courteous and

considerate, and when reproof is necessary it should be tempered with gentleness and sympathy.

VI.— MISCELLANEOUS REGULATIONS.

RELIGIOUS EXERCISES.

As to the statutory enactments respecting religious instruction, see *ante*, p. 25.

81. (1). Every Public and High School shall be opened with the Lord's Prayer and closed with the reading of the Scriptures and the Lord's Prayer, or the prayer authorized by the Department of Education.

(2). The Scriptures shall be read daily and systematically without comment or explanation, and the portions used may be taken from the book of selections adopted by the Department for that purpose, or from the Bible, as the Trustees, by resolution, may direct.

(3). Trustees may also order the reading of the Bible or the authorized Scripture Selections by both pupils and teachers at the opening and closing of the school, and the repeating of the Ten Commandments at least once a week.

(4). No pupil shall be required to take part in any religious exercise objected to by his parents or guardians, and in order to the observance of this regulation, the teacher, before commencing a religious exercise, is to allow a short interval to elapse, during which the children of Roman Catholics, and of others who have signified their objection, may retire.

(5). If in virtue of the right to be absent from the religious exercises, any pupil does not enter the schoolroom till fifteen minutes after the proper time for opening the school in the forenoon, such absence shall not be treated as an offence against the rules of the school.

(6). When a teacher claims to have conscientious scruples

412 GRANTS TO SCHOOLS IN NEW AND POOR TOWNSHIPS.

in regard to opening or closing the school as herein prescribed, he shall notify the Trustees to that effect in writing; and it shall be the duty of the Trustees to make such provision in the premises as they may deem expedient.

(7). The clergy of any denomination, or their authorized representatives, shall have the right to give religious instruction to the pupils of their own church, in each schoolhouse, at least once a week, after the hour of closing the school in the afternoon; and if the clergy of more than one denomination apply to give religious instruction in the same schoolhouse, the Board of Trustees shall decide on what day of the week the schoolhouse shall be at the disposal of the clergymen of each denomination, at the time above stated. But it shall be lawful for the Board of Trustees and clergymen of any denomination to agree upon any hour of the day at which a clergyman, or his authorized representative, may give religious instruction to the pupils of his own church, provided it be not during the regular hours of the school. Emblems of a denominational character shall not be exhibited in a Public School during regular school hours.

GRANTS TO SCHOOLS IN NEW AND POOR TOWNSHIPS.

82. All sums of money appropriated by the Legislative Assembly in aid of schools in new and poor townships, will be distributed by the Minister of Education, subject to the following conditions:—

(1). That a school section with definite boundaries has been set apart by the Township Council, having jurisdiction, or, where no municipal organization exists, by the Stipendiary Magistrate, or by him and the Public School Inspector, or any, under the authority of *The Public Schools Act, 1891*.

(2). That Trustees have been duly elected for such section.

(3). That a building and other suitable accommodation for the school have been provided by the Trustees.

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(4). That a teacher holding a valid certificate has been employed by the Trustees for at least six months of the year.

(5). That the half-yearly and yearly reports in the prescribed forms have been sent in to the Inspector, at the time specified, and certified by him as satisfactory.

(6). That the assessed value of the section and the financial condition of the ratepayers are such as to render additional aid absolutely necessary.

(7). That in townships with municipal organization the grant made by the Minister of Education shall not exceed the special grant made by the township or county, except in such cases as are reported exceptional by the Inspector.

(8). That nothing in these Regulations shall be construed as establishing the claim of any school upon the Poor School Fund beyond the discretion of the Minister of Education.

TEXT-BOOKS.

83. (1). No book shall be authorized as a text-book in any Public School until the copyright thereof has been vested in the Education Department.

(2). Every text-book for Public or High Schools printed and published in Canada, shall be subject, at any stage of its manufacture, to the inspection and approval of the Department in regard to printing, binding and paper; in case of using any book not published in Canada, the English edition shall be preferred to any other.

(3). A sample copy of every edition of every authorized book shall be deposited in the Education Department by the publisher, and no edition of any book shall be considered as approved without a certificate from the Minister of Education approving thereof.

(4) Every authorized book shall bear the imprint of the publisher, and shall show upon the cover or title page the authorized retail price, and no part of the book shall be used

for advertising purposes, without the written consent of the Department.

(5). The Education Department may require the publisher of any text-book to make such alterations from time to time as may be deemed expedient; but no alterations in contents, typography, binding, paper, or any other material respect, shall, in any case, be made by the publisher, without the consent of the Education Department.

(6). Every publisher of an authorized text-book shall, before placing any edition of such authorized book upon the market, execute such agreements and give such security for the due fulfilment of these Regulations, as may be required by the Education Department.

(7). All authorized text-books may be published by any firm or publishers in Ontario on the payment to the original publishers of such sum or sums of money as may be agreed upon between the publishers concerned and the Minister of Education respectively.

(8). The Minister of Education may, at his discretion, after making full enquiry into the cost of manufacture, reduce the retail price of any authorized text-book; he may also remove such book from the list of authorized text-books, if the publisher fails to comply with the Regulations of the Education Department, or if it be considered to be in the public interest so to do.

(9). In case the Education Department shall at any time recommend any books as aids to the teacher for private reference or study, it is to be distinctly understood that such books are not to be used as text-books by the pupils, and any teacher who permits such books, or any other book not authorized as a text-book for the Public Schools, to be used as such, shall be liable to such penalties as are imposed by the School Act.

As to the use and change of authorized text-books, and the substitution of unauthorized text-books, see *ante*, p. 220, *et seq.*

SUPERANNUATED TEACHERS' FUND.

84. (1). In order to be entitled to any portion of the Legislative Appropriation for Superannuated Teachers every Teacher of a High, Public or Separate School, and every Inspector, must have contributed \$4 annually to the Superannuation Fund during the whole time of his professional service, or have paid all arrears before 1st July, 1886.

See section 162 of *The Public Schools Act, 1891, ante*, p. 213.

(2). Should a subscriber neglect to pay his contribution before the 31st December in any year the payment to be made shall then be \$5.

(3). In the case of Inspectors, or Local Superintendents, who are now Inspectors, services as an Inspector shall be considered equivalent to services as a Teacher.

(4). In the case of Teachers or Inspectors under sixty years of age proof of disability must be furnished annually to the Department. The retiring allowance shall be withdrawn whenever the disability ceases, and the recipient shall annually present himself to the Inspector, in order that he may report thereon to the Minister.

See section 165 of *The Public Schools Act, 1891, ante*, p. 215.

(5). Teachers or Inspectors, sixty years of age, are entitled to superannuation, provided the regulations aforementioned regarding payment and arrears have been complied with, without proof of disability. In all cases evidence of good moral character is required.

(6). Payments on account of superannuation commence with the year following that in which applications were approved by the Education Department.

GENERAL DIRECTIONS TO TRUSTEES.

School Meetings.

85. (1). The notice calling an annual or special meeting should be signed by the Secretary by direction of the trustees,

or by a majority of the trustees themselves. The corporate seal need not be attached to it.

(2). Any ratepayer may call the meeting to order as soon as the hour appointed arrives, and nominate a chairman.

86. The business of all school meetings shall be conducted according to the following rules of order :—

(1). *Addressing Chairman.*—Every elector shall rise previously to speaking, and address himself to the chairman.

(2). *Order of speaking.*—When two or more electors rise at once, the chairman shall name the elector who shall speak first, when the other elector or electors shall next have the right to address the meeting in the order named by the chairman.

(3). *Motion to be read.*—Any elector may require the question or motion under discussion to be read for his information at any time, but not so as to interrupt an elector who may be speaking.

(4). *Speaking twice.*—No elector shall speak more than twice on the same question or amendment without leave of the meeting, except in explanation of something which may have been misunderstood, or until every one choosing to speak shall have spoken.

(5). *Protest.*—No protest against an election, or other proceedings of the school meeting, shall be received by the chairman. All protests must be sent to the Inspector within twenty days at least after the meeting.

(6). *Adjournment.*—A motion to adjourn a school meeting shall always be in order, provided that no second motion to the same effect shall be made until after some intermediate proceedings shall have been had.

(7). *Motion to be in writing and seconded.*—A motion cannot be put from the chair, or debated, unless the same be seconded.

If required by the chairman, all motions must be reduced to writing.

(8). *Withdrawal of a motion.*—After a motion has been announced or read by the chairman, it shall be deemed to be in possession of the meeting; but may be withdrawn at any time before decision, by the consent of the meeting.

(9). *Kind of motions to be received.*—When a motion is under debate no other motion shall be received, unless to amend it, or to postpone it, or for adjournment.

(10). *Order of putting motion.*—All questions shall be put in the order in which they move. Amendments shall all be put before the main motion; the last amendment first, and so on.

(11). *Reconsidering motion.*—A motion to reconsider a vote may be made by any elector at the same meeting; but no vote of reconsideration shall be taken more than once on the same question at the same meeting.

87. (1). At the end of every annual or special meeting the chairman should sign the minutes, and send forthwith to the Inspector a copy of the same signed by himself and the Secretary.

(2). Every Trustee declared elected by the Chairman of the school meeting is a legal Trustee until his election is set aside by proper authority.

88. The seal of the school corporation should not be affixed to letters or notices, but only to contracts, agreements, deeds, or other papers, which are designed to bind the Trustees as a corporation for the payment of money, or the performance of any specified act, duty or thing.

Care of School Property.

89. (1). The Board of Trustees should appoint one of its own number or some responsible person to look after petty repairs, such as repairing fences, outhouses, walks, windows, seats, blackboards, and stoves.

(2). No Public Schoolhouse or school plot (unless otherwise provided for in the deed), or any building, furniture, or other thing pertaining thereto, shall be used or occupied for any other than Public School purposes, without the express permission of the Board of Trustees, acting as a corporation.

(3). Provision should be made by every school corporation for scrubbing and sweeping the schoolhouse regularly, for whitewashing walls and ceilings at least annually during the summer holidays, and for making fires one hour before the time for opening school, from the first of November until the first of May in each year.

Arbor Day.

90. The first Friday in May shall be set apart by the Board of Trustees of every rural school and incorporated village for the purpose of planting shade trees, making flower beds and otherwise improving and beautifying the school grounds.

Fire Drill.

91. In every schoolhouse consisting of more than one story the pupils shall be regularly trained in the fire drill, in order to prevent accidents from the alarm of fire.

92. All former Regulations whatsoever of the Education Department are hereby repealed on and after the 31st December, 1891.



**TEXT-BOOKS AUTHORIZED FOR USE IN
PUBLIC SCHOOLS, HIGH SCHOOLS,
AND TRAINING SCHOOLS.**

1. The text-books named in schedules "A," "B," and "C" shall be the authorized text-book for the Public Schools, for Forms I., II. and III. of Collegiate Institutes and High Schools, and for the Training Schools respectively, of the Province of Ontario.

2. The text-books in French and German mentioned in schedule "A" are authorized only for Schools where the French or German language prevails, and where the Trustees, with the approval of the Inspector, require French or German to be taught in addition to English.

3. The text-books prescribed or required for senior matriculation or for the courses in Form IV. of High Schools and Collegiate Institutes may be used in addition to those mentioned herein.

4. The text-books in schedules "B" and "D" used in any school on the 1st July, 1893, and recommended by resolution of the trustees to be continued in use, shall be deemed as authorized in such school until further notice.

5. For religious instructions, either the Sacred Scriptures or the Scripture Readings adopted by the Education Department, shall be used by teachers and pupils as prescribed by the Regulations of the Education Department.

PUBLIC SCHOOLS. (SCHEDULE A.)

First Reader, Part I.....	\$0 10
First Reader, Part II.....	0 15
Second Reader.....	0 25
Third Reader.....	0 35
Fourth Reader.....	0 45
High School Reader.....	0 60
Public School Arithmetic.....	0 25
Public School Algebra and Euclid.....	0 25
Public School Geography.....	0 75
Public School Grammar.....	0 25
Public School History of England and Canada....	0 30
Public School Drawing Course—each number.....	0 05
Public School Physiology and Temperance.....	0 25
Public School Agriculture.....	0 40
Public School Writing Course—(after July, 1894, five cents).....	0 06

French-English Readers.

First Reader, Part I.....	\$0 10
First Reader, Part II.....	0 15
Second Reader.....	0 25
Third Reader.....	0 35
Les Grandes Inventions Modernes.....	0 50
Robert's French Grammar.....	0 25

German-English Readers.

Ahn's First German Book.....	\$0 25
“ Second “ “	0 45
“ Third “ “	0 45
“ Fourth “ “	0 50
“ First German Reader.....	0 50
Klotz's German Grammar.....	0 60

COLLEGIATE INSTITUTES AND HIGH SCHOOLS. (SCHEDULE B.)

English.

High School Reader.....	\$0 60
High School English Grammar.....	0 75
High School Composition	0 50
High School Geography.....	1 00
High School History of England and Canada.....	0 65
Schmitz's History of Greece and Rome.....	0 75

Mathematics.

High School Arithmetic.....	\$0 60
High School Algebra.....	0 75
Elements of Algebra (McLellan).....	0 75
High School Euclid (McKay), Books I., II., III., 50 cents).....	0 75

Classics.

First Latin Book (Henderson & Fletcher).....	\$1 00
Primary Latin Book (Carruthers & Robertson)....	1 00
Bradley's Arnold's Latin Prose.....	1 50
Goodwin's Greek Grammar.....	1 25
Harkness' First Greek Book	0 90

Moderns.

High School French Grammar.....	\$0 75
High School French Reader.....	0 50
High School German Grammar.....	0 75
High School German Reader.....	0 50
Lessons in French, complete (Fasquelles-Sykes)...	0 75

Science.

High School Physics.....	\$1 00
High School Botany.....	1 00
High School Chemistry.....	0 75

Bookkeeping and Drawing.

High School Bookkeeping.....	\$0 65
High School Drawing Course (new series).....	0 10

TRAINING SCHOOLS. (SCHEDULE C.)

Baldwin's Art of School Management (Canadian Edition).....	\$0 75
Hopkins' Outline Study of Man.....	1 25
Fitch's Lectures on Teaching.....	1 00
Quick's Educational Reformers, Edition 1890.....	1 25
McLellan's Applied Psychology.....	1 00
Spencer's Education.....	0 50
Landon's School Management.....	1 50
Manual of Hygiene.....	0 50
Houghton's Physical Culture.....	0 50
Infantry Drill as revised by Her Majesty's Command (ed. 1892).....	0 40
MacLaren's Physical Education, Part II.: Sections II. and III.....	2 00
First Year at School (Sinclair).....	0 50

(SCHEDULE D.)

High School English Word Book.....	\$0 50
Ayres and Armstrong's Orthoepist.....	0 37
Mason's Advanced English Grammar.....	0 75
Ayres and Armstrong's Verbalist.....	0 35
Public School History of England and Canada (old series).....	0 35
Green's Short History of the English People.....	1 50
Edith Thompson's History of England.....	0 65
Jeffer's History of Canada (Primer).....	0 30
Campbell's Modern School Geography.....	0 75
Pillan's First Steps in Classical Geography.....	0 40
Hamblin Smith's Arithmetic.....	0 60
Todhunter's Euclid (Books I., II. and III., 40 cents).....	0 75
Curtius's Smaller Greek Grammar.....	1 00

White's First Lesson in Greek.....	\$1 00
Allan and Greenough's Latin Grammar.....	1 00
Harkness' Introductory Latin Book, Revised Standard.....	0 50
Harkness' Latin Grammar.....	1 00
Leighton's First Steps in Latin.....	1 00
De Fivas' Grammaires des Grammaires.....	0 75
Bués' First French Book.....	0 25
De Fivas' Introductory French Reader.....	0 60
Aue's German Grammar.....	1 00
Huxley's Introductory—Science Primer Series.....	0 30
Balfour Stewart's Physics.....	0 30
The Standard Bookkeeping and Précis Writing....	0 65
McGuirl's Prospective and Geometrical Drawing...	0 40
Public School Music Reader.....	0 40
High School Music Reader.....	0 75
Canadian Drawing Course (old series).....	0 06
Temperance and Hygiene (old edition).....	0 25



AN ACT RESPECTING THE USE OF TOBACCO BY MINORS.

56 Victoria, Chapter 52.

[Assented to 14th April, 1892.]

HER MAJESTY, by and with the advice
and consent of the Legislative Assembly
of Ontario, enacts as follows:—

Supplying
Tobacco to
persons under
eighteen years
of age.

Penalty.

1. Any person who either directly or indirectly sells or gives, or furnishes to a minor under eighteen years of age, Cigarettes, Cigars, or Tobacco in any form, shall, on summary conviction thereof before a Justice of the Peace, be subject to a penalty of not less than \$10, or more than \$50, with or without costs of prosecution, or to imprisonment, with or without hard labor, for any term not exceeding thirty days, or to both fine with or without costs and imprisonment to the said amount and for the said term, in the discretion of the convicting Magistrate.

And in case of a fine, or a fine and costs being awarded, and of the same not being upon conviction forthwith paid, the Justice may commit the offender to the Common Gaol, there to be imprisoned for any term not exceeding thirty days, unless the fine and costs are sooner paid.

2. This Act shall not apply to a sale to the minor **Secs. 2, 3, 4.**
for his parent or guardian under a written request or Where child purchases for parent or guardian.
order of the parent or guardian.

3. A person who shall appear to the Magistrate Presumption as to age.
to be under eighteen years of age, shall be presumed
to be under that age unless it is shown by evidence
that he is in fact over that age.

4. This Act shall go into effect on the 1st day of Commencement of Act.
July, 1892.



AN ACT RESPECTING SUMMARY CONVICTIONS
BEFORE JUSTICES OF THE PEACE AND
APPEALS TO GENERAL SESSIONS.

R.S.O., 1887, Chapter 74.

PROCEDURE BEFORE JUSTICES,
SS. 1-3.

Except in appeals, to be according to the practice under the Acts of Canada, from time to time in force, ss. 1, 2.

COSTS, s. 2.

APPEALS FROM JUSTICES TO
GENERAL SESSIONS, SS. 4-8.

IN CASE OF AMENDMENT OF
ACTS OF CANADA, WHEN
AMENDED ACTS TO APPLY,
SS. 8, 9.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PROCEDURE BEFORE JUSTICES.

Procedure before Justices, etc., to be the same as under Dominion Acts respecting procedure in summary convictions.

1. (1). Where a penalty or punishment is imposed under the authority of any statute of the Province of Ontario, or of any other statute or law in force in Ontario, and relating to matters within the legislative authority of the Legislature of the Province, and is recoverable before, or may be inflicted by, a Justice of the Peace, or a Police or Stipendiary Magistrate, the like proceedings, and no other, shall and may be had for recovering the penalty, compelling the attendance of the parties or witnesses, hearing the complaint, and for the conduct of the Court, the taking and estreating of recognizances,

and the infliction of the punishment, and otherwise **Secs. 1, 2.**
 in respect thereof, and the convicting Justice, or
 Police or Stipendiary Magistrate, shall perform the
 like duties in respect thereto, and in respect of any
 conviction or order made by him or them by virtue
 of such statute, as, under the statutes of the
 Dominion of Canada then in force, might be had
 and should be performed, if the penalty or punish-
 ment had been imposed by a statute of Canada
 unless in any Act hereafter passed imposing the
 penalty or punishment, it is otherwise declared.

(2). Nothing in this section contained shall confer Procedure on
appeals not
affected.
 upon any person who considers himself aggrieved
 by a conviction or order made by any Justice, or
 Police or Stipendiary Magistrate, the right of
 appealing to the General Sessions of the Peace, or
 shall affect procedure on appeals.

2. (1). In all cases of summary conviction, or of Magistrate may
order defendant
to pay costs.
 orders made by a Justice of the Peace, Police
 Magistrate, or Stipendiary Magistrate under this
 Act, the Justice, Police Magistrate or Stipendiary
 Magistrate may, in his discretion, award and order,
 in and by the conviction or order, that the defendant
 shall pay to the prosecutor or complainant, such
 costs as to the said Justice, Police Magistrate or
 Stipendiary Magistrate seems reasonable in that
 behalf, the same not being inconsistent with the
 fees established by law to be taken on proceedings
 had by and before Justices of the Peace.

(2). In cases where the Justice or Police Magis- Magistrate may
order prosecu-
tor to pay costs.
 trate or Stipendiary Magistrate, instead of convicting
 or making any order, dismisses the information or
 complaint, he may, in his discretion, in and by the
 order of dismissal, award and order that the prose-
 cutor or complainant shall pay to the defendant

Secs. 2, 3, 4. such costs as to the said Justice, or Police Magistrate or Stipendiary Magistrate, seems reasonable and are consistent with the law.

Recovery of costs with penalty.

(3). The sums so allowed for costs shall be specified in the conviction or order, and shall be recoverable in the same manner and under the same warrants as a penalty adjudged to be paid by conviction or order is recovered.

Recovery of costs where no penalty.

(4). Where there is no penalty to be recovered, such costs shall be recoverable only by distress and sale of the goods and chattels of the party.

Convictions and recognizances to be transmitted to Clerk of the Peace.

3. The Clerk of the Peace for the county shall be the proper officer to whom shall be transmitted convictions to be filed, and recognizances in respect of which proceedings require to be taken at the General Sessions of the Peace.

APPEALS TO GENERAL SESSIONS.

Appeal from convictions to the General Sessions.

4. Any party who considers himself aggrieved by a conviction or order made by a Justice of the Peace, or by a Police or Stipendiary Magistrate, under the authority of any statute in force in Ontario, and relating to matters within the legislative authority of the Legislature of Ontario, may, unless it is otherwise provided by the particular Act under which the conviction or order is made, appeal therefrom to the General Sessions of the Peace.

Practice and proceedings on appeal.

5. In case an appeal lies to the Court of General Sessions of the Peace from a conviction or order made, as aforesaid, under the authority of a statute of the Legislature of Ontario or other statute or law in force in the Province of Ontario, and relating to matters within the legislative authority of the said

Legislature, the practice and proceedings on the appeal and preliminary thereto, and otherwise in respect thereof, save as is herein otherwise expressed, shall be the same as the practice and proceedings under the statutes of the Dominion of Canada then in force, on an appeal to the General Sessions of the Peace from a conviction before a Justice of the Peace, made under the authority of a statute of Canada; except that either of the parties to the appeal may call witnesses and adduce evidence in addition to the witnesses called, and evidence adduced at the original hearing.

Evidence on appeal.

6. (1). Where an appeal lies to the General Sessions of the Peace from a conviction or order made by a Justice of the Peace, or by a Police or Stipendiary Magistrate, under the authority of any statute in force in Ontario, and relating to matters within the legislative authority of the Legislature of Ontario, the notice of appeal may be given within ten days after the conviction or order.

Notice of appeal.

(2). If the conviction or order is made more than fourteen days before the sittings of the General Sessions, the appeal shall be made to the then next sittings of the Court, but if the conviction or order be made within fourteen days of the sittings of the Court, then to the second sittings next after the conviction of order.

7. If upon the trial at the General Sessions of the Peace of an appeal from a decision of a Justice of the Peace upon any matter within the legislative authority of the Legislature of Ontario, it is proved upon the oath or affirmation of any credible witness that a person whose deposition has been taken upon the original hearing, is dead, or is so ill as not to be able to travel, or is absent from Ontario, or if it is

At General Sessions of the Peace, on appeal, the original depositions to be evidence in certain cases.

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Secs. 7, 8, 9. proved in like manner that after diligent inquiry such person cannot be found to be served with a subpoena, and if it is also proved that such deposition was taken in presence of the person accused, and that he, his counsel or solicitor, had a full opportunity of cross-examining the witness, and if the deposition purports to be signed by the Justice by or before whom the same purports to have been taken, it shall be received as evidence in the prosecution without further proof thereof, unless it is proved that the deposition was not in fact signed by the Justice purporting to have signed the same.

**Abandonment
of appeal; costs.**

8. Any appellant may abandon his appeal by giving the opposite party notice of his intention in writing six days before the Sessions appealed to; and thereupon the Justice, or Police or Stipendiary Magistrate, may tax the additional costs if any, of the respondent, and add the same to the original costs, and proceed on the original conviction, or order, in the same manner as if there had been no appeal thereon.

WHEN AMENDED ACTS OF CANADA TO APPLY.

**When amend-
ments of Do-
minion Acts
shall take effect
under this Act.**

9. If the Parliament of Canada amends any statute, the operation whereof is extended by virtue of this Act, no such amendment shall have any force in Ontario, by virtue of this Act, until after the termination of the Session of the Legislature of Ontario held next after the passing of the amending statute.



APPENDIX A.

FORMS.

1. NOTICE OF ANNUAL SCHOOL MEETING.

As required by *The Public Schools Act*, the undersigned Trustees of School Section No.—, in the Township of—, hereby give notice that the Annual School Meeting of the Supporters of the Public School in the section will be held at—on Wednesday, the—day of December, 18—, at the hour of ten o'clock in the forenoon, for the transaction of the business prescribed by the nineteenth to the twenty-fourth sections inclusive of said *Public Schools Act*.

A. B.,
C. D., } Trustees.
E. F., }

Dated this—day of —, 18—.

If the last Wednesday of December be a holiday, the Trustees should insert Thursday in the foregoing notice.

2. NOTICE OF ANNUAL SCHOOL MEETING, WHEN PROPER NOTICE NOT GIVEN.

The Annual School Meeting for School Section No.—, in the Township of—, not having been held for want of proper notice thereof, the undersigned [*Inspector, or two rate-payers, as the case may be*] as authorized by the eighteenth section of *The Public Schools Act*, hereby gives [*or give*] notice that the Annual School Meeting of the Supporters of the Public School

in the section will be held at———on the———day of———, 18——, at the hour of ten o'clock in the forenoon, for the transaction of the business prescribed by the nineteenth to the twenty-fourth sections inclusive of said *Public Schools Act*.

A. B., *Pub. Sch. Inspector*,
or

C. D., } *Ratepayers of the*
E. F., } *Section.*

Dated this———day of———, 18——.

3. NOTICE OF SPECIAL SCHOOL MEETING.

The undersigned Trustees of School Section No.——, in the Township——, [*or the Public School Inspector, as the case may be,*] as authorized by *The Public Schools Act*, hereby give [*or gives*] notice that a Special School Meeting of the Supporters of the Public School in said School Section will be held at———, on———, the———day of———, 18——, at the hour of——— in the———for the transaction of the following special business, namely—[*Here state it in full*].

A. B., }
C. D., } *Trustees.*
E. F., }

(*or G. H., Public School Inspector.*)

Dated this———day of———, 18——.

No business but that mentioned in the notice can be lawfully transacted at the special meeting thus called.

4. NOTICE TO PERSON ELECTED AS SCHOOL TRUSTEE.

———, 18——.

SIR,—At a meeting of the ratepayers of School Section No.——, in the Township of———, held on the——— of———, 18——, you were duly elected as a Trustee for the aforesaid School Section.

Please acknowledge the receipt of this intimation.

A. B.,

Secretary of the School Meeting.

To C. D.

Should no reply be received by the Secretary of the School Meeting within twenty days, the party concerned will be held to have accepted the office of School Trustee. See section 24.

5. CONCURRENCE IN RESIGNATION OF TRUSTEE.

A. B., our colleague, as Trustee of School Section No.—, Township of—, having intimated to us his desire to resign his office as such Trustee, we the undersigned remaining Trustees of the School Section named do hereby consent to his resignation, as authorized by the twenty-sixth section of *The Public Schools Act*, such resignation to take effect on the election of his successor at a meeting of the ratepayers of the Public School in the section called by us, and to take place on the—day of—, 18—.

A. B.,

C. D.,

Remaining Trustees.

Dated this—day of—, 18—.

This document is to be given to the retiring Trustees for presentation to the Chairman of the School Meeting called as above.

6. NOTICE TO THE RATEPAYERS BY TOWNSHIP CLERK CALLING A FIRST SCHOOL SECTION MEETING.

Township Clerk's Office,

—, 18—.

The Municipal Council of this Township has formed a School Section to be known as No.—. The boundaries of this new School Section are as follows, namely: [*Insert them in full detail.*]

The ratepayers of the aforesaid newly formed School Sec-

tion are hereby notified that a meeting of the legally qualified School Voters of Section——, will be held at——on——the——day of December, 189—, at the hour of ten of the clock in the forenoon, for the purpose of electing Trustees of the Section, and for the transaction of other necessary business, as authorized by sections nineteen to twenty-four inclusive of *The Public Schools Act*.

A. B.,
Township Clerk.

Dated this——day of——, 18—.

If the last Wednesday in December be a holiday, the Township Clerk should insert Thursday in the foregoing notice.

7. TRANSMISSION OF COPY OF SCHOOL MEETING MINUTES TO THE COUNTY INSPECTOR.

———, 18—.

SIR,—I send herewith the following correct copy of the minutes of proceedings and poll book of the annual [*or special*] meeting of the ratepayers of School Section No.——, in the Township of——, held on the——day of——, 18—. [*Insert the Minutes in full, and also send a transcript of the Poll Book where an election has been held.*]

A. B.,
To C. D., Chairman of the School Meeting.
Public School Inspector.

8. BOND OF SECRETARY-TREASURER.

Know all men by these presents that we, A. B., of the——of——in the County of——, Secretary-Treasurer [*or Collector of School Rates*] of the Board of Public School Trustees for School Section——of the Township of——in the County of——[*or The——Public School Board*]; C. D., of the——of——in the County of——[*business or calling*]; and E. F., of the——of——in the County of——[*business or calling*], bind ourselves and each of us, our and each of our heirs,

executors, and administrators, to the said Board of Public School Trustees for School Section——of the Township of——in the County of——[or The——Public School Board], in the sum of——dollars, to be paid to the said Board of Public School Trustees for School Section——of the Township of——in the County of——[or The——Public School Board], their successors and assigns. Sealed with our seal. Dated this——day of——, 189—.

Whereas the said A. B. has lately been appointed to, and now holds, the office of Secretary-Treasurer [or Collector of School Rates] of the above-named Board. Now the condition of the above-written bond or obligation is such that if the said A. B. shall, from time to time, and at all times hereafter, so long as he shall hold the said office of Secretary-Treasurer [or Collector of School Rates], duly and regularly account for and pay to the said Board or to any person or persons who may be appointed for this purpose, all moneys which shall come to his hands either in the capacity of Secretary-Treasurer [or Collector of School Rates] of the said Board, or by any other means on account of the said Board, and in every other respect fully and faithfully perform and discharge the duties and obligations which, from time to time, shall devolve on him in such capacity as aforesaid, then the above-written bond or obligation shall be void; otherwise the same shall remain in full force and virtue.

Signed, sealed, and delivered	}	A. B.	[L.S.]
in presence of		C. D.	[L.S.]
		E. F.	[L.S.]

9. NOTICE OF SCHOOL MEETING.

———, 189—.

SIR,—You are hereby notified that a meeting of the Board of Public School Trustees for School Section——of the Township of——in the County of——[or The——Public School Board] will be held at——on——day the——day

of——, 189—, at the hour of——o'clock in the——noon;
which meeting you are hereby requested to attend.

To A. B.,
School Trustee.

C. D.,
Secretary-Treasurer.

**10. REQUEST TO AN INSPECTOR BY ANY TWO RATEPAYERS
TO APPOINT A SCHOOL SECTION AUDITOR.**

———, 18—.

SIR,—The Trustees [*or the School Meeting, as the case may be,*] having neglected to appoint a School Auditor [*or the Auditor appointed having refused to act*] the undersigned Ratepayers of School Section No.——, in the Township of——, hereby request that you would appoint a School Auditor for the Section, as authorized by the thirty-seventh section of *The Public Schools Act*.

We are, Sir, your obedient servants,

A. B.,
C. D.,
To E. F.,
Public School Inspector.

Ratepayers of the Section.

**11. SCHOOL AUDITOR'S NOTICE TO PERSON INTERESTED IN
THE SCHOOL ACCOUNTS OF A SECTION.**

———, 18—.

SIR,—As authorized by the thirty-ninth section of *The Public Schools Act*, the undersigned Auditor of the Accounts of School Section No.——, in the Township of——, hereby requires your attendance at the audit of these accounts, to be held at——, on——the——day of——, 189—, at the hour of——o'clock in the——. You are also hereby required by said School Act (under penalty for refusal or neglect) to bring with you any books, papers or writings connected with

such accounts, and to lay them before the Auditor or Auditors of the Section.

I am, Sir, your obedient servant,

A. B.,

To C. D., } Trustee. *Auditor of School Section.*

E. F., } Secretary-Treasurer.

G. H., } other person [as the case may be].

12. WARRANT TO ENFORCE COLLECTION OF MONEYS AWARDED TO BE PAID BY SCHOOL AUDITORS.

The undersigned Auditor, [*or Auditors*] of the School Accounts of School Section No.—, in the Township of—, by virtue of the powers vested in me [*or us*] by the thirty-ninth section of *The Public Schools Act*, hereby authorizes and requires you, [*insert name of Collector*] after ten days from the date hereof, to collect from the person [*persons, or corporation*] named below the sum [*or sums*] of money, set opposite his [*their or its*] name [*or names*] being the sum or sums awarded by the undersigned Auditor [*or Auditors*] aforesaid, to be paid by such person [*persons, or corporation*], and to pay within——days from the receipt thereof the amount so collected, after retaining your lawful fees, to——whose discharge shall be your acquittance therefor. And in default of payment on demand by the person [*persons, or corporation*] named below, you are hereby authorized and required, within three days after such default of payment, to levy the amount by distress and sale of the goods and chattels of the person [*persons, or corporation*] making said default.

Given under my hand as Auditor [*or our hands as Auditors*], this——day of——, 18—.

To E. F., Collector of moneys awarded by Auditor [*or Auditors*] to be paid.

A. B., } Auditor [*or Auditors*] of the
[C. D.,] } School Section aforesaid.

[*Insert here the names and amounts, as above intimated.*]

The thirty-ninth section of the said Act cited above, sub-section 3, declares that the person named in the foregoing warrant "shall have the same power and authority to "enforce the collection of the moneys mentioned in the said warrant, with all "reasonable costs, by seizure and sale of the property of the party or corporation against whom the same has been issued, as any bailiff of a Division Court has in "enforcing a judgment and execution issued out of said Court."

13. DEED TO SCHOOL TRUSTEES.

This Indenture made (in duplicate) the——day of—— one thousand eight hundred and ninety——, in pursuance of the Act respecting Short Forms of Conveyances, and of *The Public Schools Act, 1891*, between A. B., of the city [town, village, or township, *as the case may be*] of——in the County of——, —— [*business or calling*], of the first part; C. D., the wife of the said A. B., of the second part; and the Board of Public School Trustees of School Section——of the Township of——in the County—— [*or, The (name of city, town, or incorporated village) Public School Board, as the case may be*], hereinafter called the "Board," of the third part.

Witnesseth that, in consideration of——dollars of lawful money of Canada now paid by the said Trustees to the said party of the first part (the receipt whereof is hereby by him acknowledged), he, the said party of the first part, doth grant unto the said Board, in fee simple, all and singular that certain parcel or tract of land and premises situate, lying, and being in the——of——in the County of——, being composed of [*description of land in full*]; to have and to hold unto the said Board, their successors and assigns, to and for their sole and only use forever. Subject, nevertheless, to the reservations, limitations, provisoes, and conditions expressed in the original grant thereof from the Crown.

The said party of the first part covenants with the said Board that he has the right to convey the said lands to the said Board notwithstanding any act of the said party of the first part. And that the said Board shall have quiet possession of the said lands free from all incumbrances. And the said party of the first part covenants with the said Board that he

will execute such further assurances of the said lands as may be requisite. And the said party of the first part covenants with the said Board that he has done no act to incumber the said lands. And the said party of the first part releases to the said Board all his claims upon the said lands. And the said C. D., the wife of the said A. B., hereby bars her dower in the said lands.

In witness whereof the said parties hereto have hereunto set their hands and seals.

Signed, sealed, and delivered }
in the presence of }

14. NOTICE OF EXEMPTION TO TOWNSHIP CLERK.

SIR,—As authorized by the fortieth section of *The Public Schools Act*, the undersigned trustees of School Section No.—, in the Township of—, at a meeting held on the—day of—, exempted as “indigent” the following persons resident in the School Section, from the payment of all school rates, [*or above—mills on the dollar, as the case may be,*] in support of the school.

[*Here insert list of indigent or other exempted persons.*]

[*In the case of unorganized townships, the trustees concerned can substitute the following in the place of the words in the above, beginning with “as ‘indigent,’” etc.*]:—

Mr. I. K., whose place of residence is more than three miles from the schoolhouse of the section.

A. B., } Trustees
C. D., } of the
E. F., } Section.

To G. H., Township Clerk,———Post Office.

This intimation must be given by the School Trustees to the Township Clerk

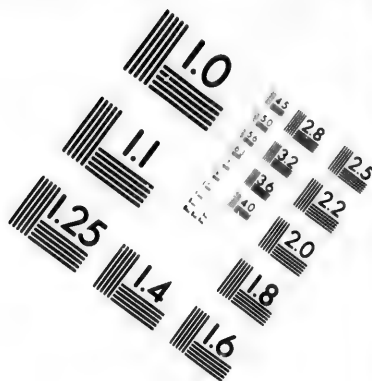
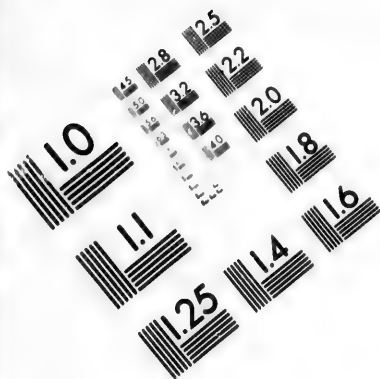
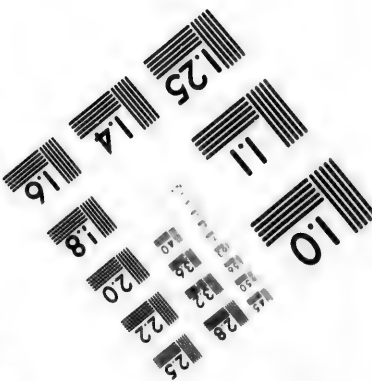
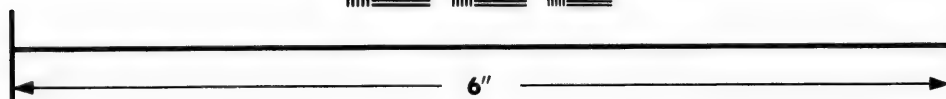
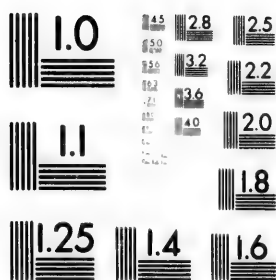


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WEBSTER, N.Y. 14580
(716) 872-4503

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"on or before the first of August" in any year, as required by sub-section 7 of section 40 of *The Public Schools Act*.

The Trustees of unorganized townships, in giving notice under section 42, as above, should see that the conditions of exemption under that section are complied with.

15. REQUISITION ON THE MUNICIPAL COUNCIL FOR SCHOOL MONEYS.

In terms of the fortieth [*or, in the case of cities, towns and incorporated villages, the one hundred and seventh*] section of *The Public Schools Act*, the Board of Public School Trustees for School Section No.——of the township [*or The Public School Board, or The Board of Education for the city, town, incorporated village, or township of——,*] hereby applies to the Municipal Council of the township [*city, town or incorporated village, as the case may be*] for the sums of money set forth in the accompanying estimate for the support and maintenance of the Public School [*or schools*] in the aforesaid section [*city, town or incorporated village*] for the year ending on the 31st December, 18—.

[*Here follows the estimate.*]

The school corporation as aforesaid hereby respectfully requests that the Municipal Council of the township [*city, town, etc.*] shall, as required by the one hundred and tenth section of *The Public Schools Act*, provide by assessment the foregoing amount of——dollars for the current expenses of the school [*or schools*] under charge of the Board, as per estimate herewith.

A. B., Chairman, } *Corporate*
C. D., Secretary. } *Seal.*

To the Clerk of the Municipal Council of the——of——.

This requisition, in the case of Rural School Trustees, must be sent to the Clerk of the Council concerned not later than the end of July, and in time for the August meeting. See sub-section 8 of the 40th section of *The Public Schools Act*.

In case moneys are required for the erection of schoolhouses, purchase of site, etc., the words "provide by assessment" in the foregoing requisition should be altered to "provide by debenture for the purchase of a school site" (or the "erection of a school building," as the case may be). See sections 115-121.

16. PROMISSORY NOTE OF RURAL SCHOOL TRUSTEES FOR TEACHERS' SALARIES.

_____, 18—.

—days [*or months*] after date, The Board of Public School Trustees for School Section_____, of the Township of_____, in the County of_____, promises to pay to_____the sum of_____dollars, advanced to it by the said_____for the payment of Teachers' Salaries, and hereby agrees to pay interest at the rate of_____per cent. per annum for such advance.

\$_____ School Trustees, { A. B. } [L.S.]
C. D. }
E. F. }

Not more than eight per cent. per annum can be lawfully paid by Trustees for loans of this nature. The form of note may be varied so that the amount of interest or discount can be included in the face value of the note. The seal of the section should in all cases be affixed to the note in the place indicated above.

17. NOTICE TO INSPECTOR AND TOWNSHIP CLERK.

_____, 18—.

SIR,—The following are the names and post-office addresses of the Trustees of School Section No._____, in the Township of_____, now in office:—

Post Office Address.

A. B.....
C. D.....
E. F.....

The name [*or names*] of the Teacher [*or Teachers*] employed by the Board of Trustees is [*or are*] as follows:—

G. H.....
I. K., etc.....

L. M.,

To N. O., Secretary-Treasurer of the School Board.
Public School Inspector.

To P. Q.,
Township Clerk.

This notice should be given before the 15th January in each year.

18. PETITION TO TRUSTEES TO CALL A SPECIAL SCHOOL MEETING.

To the Trustees of Public School Section No.—, in the Township of——.

The Petition of the undersigned ten ratepayers of the School Section aforesaid, respectfully sheweth :—

That they think it desirable that the trustees, on receipt of this petition, should call a meeting of ratepayers of the section, for the consideration and disposal of the following business :—
[*Here name the business in full.*]

Dated this——day of——, 18—.

This Petition should be signed, by at least ten ratepayers of the section concerned, and sent direct to the senior Trustee, or to the Secretary of the school corporation. (*See section 40, sub-section 11.*)

19. NOTICE OF A FIRST SCHOOL MEETING IN AN UNORGANIZED TOWNSHIP.

The undersigned heads of families of a School Section, set apart by the Stipendiary Magistrate [*or Public School Inspector*], and known as School Section——in the Township of——, as authorized by law, hereby give notice to the ratepayers of the Section, that a Public School meeting will be held at——, on the——day of——, 189—, at the hour of ten of the clock in the forenoon, for the election of Trustees and for the transaction of other necessary business as authorized by the nineteenth and twenty-fourth sections inclusive of *The Public Schools Act*.

A. B., } *Heads of Families of the School Section.*
C. D., }

Dated at——this——day of——, 18—.

20. NOTICE OF DIVISION OF SCHOOL SECTIONS IN UNORGANIZED TOWNSHIPS.

Office of the Inspector of Schools for the
District of——,

——, 189—.

SIR,—I beg to inform you that, in accordance with sub-

section 3 of section 44 of *The Public Schools Act*, 1891, I have divided the School Sections formed under section 41 of the said Act into the following groups:—

Group I. { 1. S.S. No.
2. S.S. No.
3. S.S. No.

Group II. { 1. S.S. No.
2. S.S. No.
3. S.S. No.

(And so on.)

Your School Section forms part of Group—.

Yours truly,

To the Secretary of the Trustees of S.S. No.

21. NOTICE OF APPEAL AGAINST ASSESSMENT.

The Public Schools Act, 1891.

Public notice is hereby given that, in pursuance of section 46 of the above Act, the Court of Revision appointed under sub-section 2 of section 44 of the said Act will sit for the purpose of hearing appeals against the assessment rolls of School Section No.——at the——of——on the——day of——, 189—, at the hour of——o'clock in the——noon, of which said sitting all persons are hereby required to take notice.

Dated this——day of——, 189—.

Secretary-Treasurer of S.S. No.

22. DECLARATION BY SCHOOL COLLECTOR.

I, _____, do solemnly promise and declare that I will truly, faithfully, and impartially, to the best

of my knowledge and ability, execute the office of School Collector, to which I have been appointed, in School Section No.—in———; and that I have not received, and will not receive, any payment or reward, or promise of such, for the exercise of any partiality, or malversation, or other undue execution of the said office, and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on the said Board of Trustees of said School Section.

23. NOTICE BY ARBITRATORS TO PARTIES INTERESTED IN A SCHOOL SECTION.

The undersigned Arbitrators appointed to appraise the damages and determine the claims of all parties concerned in regard to the Public School Site selected for Section No.—, in the Township of——, known as part of lot No.— in the said Township, hereby give notice to all such parties that they will meet to hear and determine the claims on such part lot at——on——the——day of——, 18—. You are hereby notified to attend such meeting or submit your claim in writing to the Arbitrators on the day named.

Dated at——this——day of——, 18—.

	A. B.,	} [Seal.]	<i>Arbitrators for proposed School Site.</i>
	C. D.,		
	E. F.,		
To G. H., owner.			No.—, Tp. of——.
I. J., lessee.			
K. L., tenant.			
M. N. (other party concerned).			

24. AFFIDAVIT VERIFYING AWARD.

The Public Schools Act, 1891.

County of———;	} I, _____,	
		of the _____ of _____,
To Wit :		in the County of _____,

the Secretary-Treasurer of the Board of Trustees for—, make oath and say :—

1. That the paper writing attached hereto is the award made and published in respect to the school site therein mentioned, under the above Act, by the Arbitrators therein mentioned.

2. That the said award was made and published at—.

3. That I know the said Arbitrators, and that they are the parties making and publishing the said award.

4. That the names—, —, —, are of the proper handwriting of the said Arbitrators respectively.

Sworn before me at the
 — of —
 in the County of —
 this — day of —,
 189—.

A Commissioner, etc.

25. SURVEYOR'S CERTIFICATE ON SELECTION OF A SCHOOL SITE.

The Public Schools Act, 1891.

In the matter of all and singular that certain parcel or tract of land and premises situate, lying, and being in the— of — in the County of —, and being [describe lands accurately] duly selected for a school site under the provisions of the above Act.

I— of the — of — in the County of — do hereby certify that I am a duly qualified surveyor, authorized to practise as such under the provisions of the Act respecting Land Surveyors and the Survey of Lands; that I am well acquainted with the above-described lands, and have no interest whatever in the above matter; and that I consider the sum of— dollars a fair compensation for the said lands.

As witness my hand this— day of —, 189—.

—, O.L.S.

**26. AFFIDAVIT PROVING ABSENCE FROM COUNTRY OF OWNER
OF LAND SELECTED FOR A SCHOOL SITE.**

(Same style as in Form 25.)

I _____ of the _____ of _____ in the County of _____
[*occupation*], make oath and say :—

1. That I am well acquainted with [*name of owner*], the owner of the above-described lands, and know that at present he is residing at (*here state, as accurately as possible, his present place of residence*), [*or, and have made diligent enquiry as to his present place of residence by (here describe means' taken to ascertain residence), and have been unable to find him*].

2. That to the best of my knowledge and belief the said _____ is not a resident of this country.

Sworn before me at the
_____ of _____
in the County of _____
this _____ day of _____,
189—.

A Commissioner, etc.

**27. NOTICE TO ABSENT OWNER OF LAND SELECTED FOR A
SCHOOL SITE.**

(Same Style as in Form 25.)

You are hereby required to take notice that in pursuance of a certificate given by _____, a duly qualified surveyor, certifying that the sum of _____ dollars is a fair compensation for the above-described lands, duly selected for a school site, the Trustees of School Section No. _____ in the _____ are ready to pay the said sum so certified as compensation for the said lands ; and you are required on or before the _____ day of _____, 189—, to notify the Secretary of the said Trustees of your acceptance of the said sum as compensation for the said lands. In the event of your refusing to accept the said sum, you are

further required to take notice that in pursuance of section 77 of the said Act the said Trustees have appointed —— of the —— of —— in the County of —— as their Arbitrator in this matter ; and you are hereby required to name your Arbitrator on or before the said —— day of ——.

Dated the —— day of ——, 189—.

To _____ Judge of the County Court of
the County of ——.

28. NOTICE BY TOWNSHIP COUNCIL OF ITS INTENTION TO ALTER THE BOUNDARIES OF A PUBLIC SCHOOL SECTION, ETC.

Township Clerk's Office, ——, 18—.

The Municipal Council of the township of —— hereby gives public notice to the ratepayers and other parties concerned of School Section [or School Sections] No.—, [or Nos.] in this township, that it is the intention of the Council to alter the boundaries [divide, alter or unite such section or sections, as the case may be,] of that section at a meeting of the Council to be held on the —— day of ——, 18—.

A. B.,
Township Clerk.

This intimation may be posted in the School Section or School Sections concerned, or published in a local newspaper ; or it may be sent to the School Trustees of the Sections to be affected by the proposed change. The eighty-first section, sub-section 2, of *The Public Schools Act* authorizes the Council to give the notice "in such manner as the Council may deem expedient."

29. APPEAL TO COUNTY COUNCIL IN REGARD TO SCHOOL SECTION BOUNDARIES, UNION OR OTHERWISE.

The undersigned trustees [or five ratepayers or Public School Inspector], of [Union] School Section No.—, in the Township of ——, as authorized by the eighty-second [or eighty-eighth] section of *The Public Schools Act*, hereby appeal to the Municipal Council of the County of ——, against the action

[*or refusal to act—as in the case of ordinary School Sections—on application being duly made to it, on the part*] of the Council of the Township of———in regard to the boundaries of our School Section.

Dated at———this———day of———, 18—.

A. B., } Trustees of
C. D., } [Union] School Sec.
E. F., } No.—.

[or signed by five ratepayers of the Section, or by the Public School Inspector, in case of Union Sections.]

To the Clerk of the Municipal Council,
County of———.

30. NOTICE OF THE DECISION OF THE ARBITRATORS IN REGARD TO AN APPEAL TO A COUNTY COUNCIL.

The undersigned Public School Inspector, one of the Arbitrators appointed by the Municipal Council of the County of———, to consider and decide upon an appeal to the Council in regard to the boundaries of School Section No.———, in the Township of———, hereby gives notice to the trustees of the Section [*or other Section, and to the Clerk of the Township concerned*] that the Arbitrators have agreed to the following award in the case :—

[*Insert it in full.*]

A. B.,
Public School Inspector,
Arbitrator.

To the Trustees of School Section No.———
and

To the Clerk of the Township of———.

This form may be altered so as to meet the case of Union School Section Appeals, provided for in section 88.

31. DEED BY SCHOOL TRUSTEES.

This Indenture made (in duplicate) the——day of——, one thousand eight hundred and ninety——, in pursuance of the Act respecting Short Forms of Conveyances and *The Public Schools Act*, 1891. Between The Board of Public School Trustees of School Section——of the Township of——in the County of—— [or The——Public School Board, *as the case may be*], hereinafter called the "Board," of the first part; and A. B., of the township [city, town, or village] of——in the County of——, [*business or calling,*] of the second part.

Witnesseth that, in consideration of——dollars of lawful money of Canada, now paid by the said party of the second part to the said Board (the receipt whereof is hereby by them acknowledged), they, the said Board, do grant unto the said party of the second part, in fee simple, all and singular that certain parcel or tract of land and premises situate, lying, and being in the——of——in the County of——, being composed of [*description of lands in full*]; to have and to hold unto the said party of the second part, h— heirs and assigns, to and for h—— their sole and only use forever. Subject, nevertheless, to the reservations, limitations, provisoes, and conditions expressed in the original grant thereof from the Crown.

And the said Board covenant with the said party of the second part that they have done no act to incumber the said lands. And the said Board release to the said party of the second part all their claims upon the said lands.

In witness whereof the said Board have hereunto affixed their corporate seal by——, Chairman, countersigned by——, Secretary-Treasurer, of the said Board.

Signed, sealed, and delivered }
in the presence of }

32. PETITION TO TOWNSHIP COUNCIL IN REGARD TO UNION SCHOOL SECTIONS.

The petition to the Council of the Township of——of [five] ratepayers of said Township respectfully sheweth: That they are desirous that a Union School Section should be formed out of parts of Townships of——[or they are desirous that the boundaries of Union School Section No.——, in the Townships of——, should be altered (or dissolved), *as the case may be*].

Your petitioners, therefore, pray that the request which they have herein made may be granted, so far as the Council of your Township is concerned, in terms of the eighty-seventh section of *The Public Schools Act, 1891*.

A. B.,	} <i>Petitioners.</i>
C. D.,	
E. F., etc.)	

To the Clerk of the Council,
Township of——.

An original copy of the foregoing petition must be sent to the Clerk of each of the Townships concerned, not later than August or September of any year, so that the respective by-laws required can be passed not later than the 25th December, as required by law. Section 87, sub-section 10.

33. NOTICE OF APPOINTMENT OF ARBITRATOR ON ALTERATION OF UNION SCHOOL SECTION.

To———,
Inspector of the District of——.

You are hereby required to take notice that in pursuance of sub-section 1 of section 87 of *The Public Schools Act, 1891*, the Municipal Council of——have appointed Mr.——as their Arbitrator, on the joint petition of [*insert names of five ratepayers petitioning*], for the formation [*or alteration, or dissolution, as the case may be*] of School Sections——into a Union School Section [*or of Union School Section——*], a copy of which petition is hereto annexed.

Dated at——this——day of——, 189—.

Clerk.

It is suggested that a copy of the petition should accompany this notice.

34. INSPECTOR'S NOTICE TO TOWNSHIP CLERKS.

Public School Inspector's Office,
_____, 18—.

SIR,—I hereby notify you that a meeting of the Arbitrators appointed to form [alter *or* dissolve] a Union School Section [or the Union School Section No. —, in the Township of —,] as requested by the ratepayers concerned, will be held at —, on the — day of —, 18—, at the hour of — in the forenoon.

I am, Sir, your obedient servant,

A. B.,
Public School Inspector.

To C. C., Clerk of the Township of —.

35. AWARD.

To all to whom these presents shall come: We, A. B., of the — of — in the County of —, (*business or calling*); C. D., of the — of — in the County of —, (*business or calling*); and X. Y., of the — of — in the County of —, (*the senior County Court Judge, or the person appointed by him, or as the case may be,*) send greeting:

Whereas under and by virtue of the eighty-seventh section of *The Public Schools Act*, 1891, the matter of formation (alteration *or* dissolution) of Union School Section No. — has been referred to the award and final determination of us, the said A. B., C. D., and X. Y., the Arbitrators appointed under and by virtue of sub-section 1 of the said eighty-seventh section of *The Public Schools Act*, 1891, the said award to be made in writing on or before the — day of —, 189—.

[(*Where the time for making the award has been enlarged, insert:*) And whereas we, the said Arbitrators, have enlarged the time for making our award until the — day of —, 189—.]

Now we, the said Arbitrators, having taken upon ourselves the burden of this reference, and having duly weighed and

considered the matter of the formation (alteration *or* dissolution) of said Union School Section No.—, and the several allegations of the parties interested therein, and also the proofs, vouchers, and documents which have been given in evidence before us, do hereby make and publish this our award, in writing, of and concerning the matter above referred to us in manner following, that is to say: We award and judge— (*here follow the particulars of the finding and award*).

(See sub-sections 4, 5, 6, 7, and 8 of said section 87.)

In witness whereof we have hereunto set our hands (and seals) this——day of——, 189—.

Signed and published (<i>or</i> signed,	}	A. B.	[L.S.]
sealed, and published)		C. D.	[L.S.]
in the presence of		X. Y.	[L.S.]

36. NOTICE OF EQUALIZED ASSESSMENT OF UNION SCHOOL SECTIONS BY THE TOWNSHIP ASSESSORS.

The undersigned Assessors of the Township of——, as authorized and required by the ninety-fifth section of *The Public Schools Act*, hereby give notice to the Clerks of the above said Townships that they have met and determined the proportion of the annual requisition for school purposes of the Public School Trustees of Union Section No.—, of the said Townships, which shall be levied upon and collected from the taxable property of the respective Municipalities out of which the Union School Section is formed. This proportion of assessment, so fixed and determined by us, shall remain in force for three years from the date of this notice.

Dated at——this——day of——, 18—.

A. B.,	}	<i>Assessors as aforesaid.</i>
C. D., etc.		

To the Clerk of the Council, Township of——.

An original copy of this notice, signed by the agreeing Assessors, should be sent forthwith to the Clerk of each of the Township Councils concerned.

37. NOTICE TO QUASH BY-LAW, OR TO SET ASIDE AWARD.

In the matter of By-Law No.— of The Corporation of the Township of—, in the County of—, intituled “A By-Law for forming (altering *or* dissolving) School Section—, *or* School Sections—, and— (as the case may be) in said Township.”

[(*Or, if notice is to set aside Award:*) In the matter of the Award of A. B., C. D., and E. F., the Arbitrators appointed to hear the appeal of (*the Trustees, or five ratepayers, of the section, or the Inspector or Inspectors*) to the County Council of the County of—, against the formation (alteration *or* dissolution) of School Section No.—, in the Township of—, *or* against the neglect, *or*, refusal, of the Township *or* Townships of—to appoint Arbitrators as provided by section 87 of *The Public Schools Act, 1891* (as the case may be).]

Notice is hereby given, in pursuance of section 96 of *The Public Schools Act, 1891*, that the undersigned will apply to quash By-Law No.— of The Corporation of the Township of—, above mentioned (*or, to set aside the Award of A. B., C. D., and E. F., above mentioned*).

Dated at—this—day of—, 189—.

To X. Y.,

Clerk of the Township of—.

37. DECLARATION OF RETURNING OFFICER.

The Public Schools Act, 1891.

Dominion of Canada : Province of Ontario, County of—.	}	In the matter of the Election of Public School Trustees for Ward—, of the City (Town <i>or</i> Village, as the case may be).
To Wit :		

I, —, of— of—, in the County of—, the Returning Officer for (*or* person presiding at) Polling Sub-division—, in said Ward, do solemnly declare that the poll

book attached hereto, and marked "A" as an exhibit to this my declaration, has been correctly kept, and contains a true record of the votes given at the said Polling Subdivision, for which I was the Returning Officer; and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*, 1893.

Declared before me at the
 _____ of _____, in the
 County of _____, this _____
 day _____, A.D. 189____.

A Commissioner, etc.

38. NOTICE TO THE CANDIDATES FOR ELECTION AS SCHOOL TRUSTEES IN CITIES, ETC.

_____, 18—.

SIR,—I hereby notify you that at the election of Public School Trustees for this City [Town, etc.], the number of votes polled for the respective Candidates for election was as follows:—

	Votes.
A. B.....	_____
C. D.....	_____
E. F., etc.....	_____

G. H.,

Secretary-Treasurer of the School Board.

To A. B., Candidate, etc.——.

The Secretary-Treasurer is required to add up the votes polled for each Candidate and to notify him accordingly, as above.

39. NOTICE OF THE DISCONTINUANCE OF SCHOOL ELECTION BY BALLOT.

_____, 18—.

SIR,—The Board of Public School Trustees for the City [Town or Incorporated Village] of _____ hereby notifies the

Municipal Council of the City, [Town, *etc.*,] of——that the said Board has decided to discontinue the use of the ballot at the election of the Public School Trustees for this City [Town, *etc.*].

A. B.,

Secretary of the Public School Board.

To the Clerk of the Municipal Council of the City, [Town, *etc.*,] of——.

This notice should be sent to the Clerk of the Council concerned on or before the first day of October. See section 103, sub-section 1, of *The Public Schools Act*.

40. NOTICE REQUESTING THAT SCHOOL ELECTION SHALL BE HELD ON SAME DAY AS MUNICIPAL ELECTION.

———, 18—.

SIR,—The Board of Public School Trustees [*or* Board of Education] for the City [Town, Incorporated Village *or* Township] of—— hereby notifies the Municipal Council of the City [Town, *etc.*,] that the said Board has passed a resolution requesting that the next election of Trustees to such Board shall take place on the same day as that on which the election of Municipal Councillors takes place.

A. B.,

Secretary of the Board.

To the Clerk of the Council, Township [City, *etc.*,] of——.

41. ANNUAL REPORT OF TRUSTEES.

This form, which will be supplied by the Department of Education on application thereto, is too voluminous and complex for insertion in this book.

42. SUMMONS FOR MAINTENANCE IN INDUSTRIAL SCHOOL.

In the——Division Court of the County of——.

Between

“The——Public School Board,”

and

C. D.,

Plaintiffs;

Defendant.

You, the above-named Defendant, are hereby summoned to

appear at the next sitting of this Court, to be holden at—— in the County of——on——the——day of——, A.D. 189—, at the hour of ten o'clock in the forenoon, to answer the allegation of the Plaintiffs, that you, the said C. D., are liable for the expense of maintaining one E. D., a boy detained in the Industrial School, under the charge of the above-named Plaintiffs, in the——of——.

And, further, you are hereby required to take notice that the Plaintiffs claim that you are able to pay the sum of \$—— per week towards the said expenses; and that, if you do not appear at the said time and place, such order will be made in your absence as may seem just.

Dated this——day of——, A.D. 189—.

By the Court.

X. Y., Clerk.

43. BY-LAW TO RAISE MONEY BY THE ISSUE OF DEBENTURES.

A By-Law to raise the sum of \$——for the purpose of——and to authorize the issue of debentures therefor.

Whereas it is necessary to raise the sum of——dollars for the purpose of [*state in brief and general terms the object for which the debt is to be created*]; and, in order thereto, it will be necessary to issue debentures of the Municipality of——of——for the sum of——dollars, payable as herein provided.

And whereas it will be requisite to raise annually during the term of twenty [*or as the case may be*] years by special rate for paying the said debt and interest the sum of——dollars.

[*(Or, if the debt is payable by annual instalments, substitute the following :)*]

And whereas it will be requisite to raise annually the several sums in each year respectively set forth in the schedule to this By-Law.]

And whereas the amount of the whole ratable property of

the Municipality, according to the last revised (*or* revised and equalized) assessment roll, amounts to——dollars.

And whereas the existing debenture debt of this Municipality amounts to——dollars, and no principal or interest is in arrears [*or as the case may be*].

Therefore the Municipal Council of the Corporation of the——of——enacts as follows:—

1. It shall be lawful for the Mayor (*or* Reeve) of the said Municipality, for the purposes aforesaid, to borrow the said sum of——dollars and to issue debentures of the said Municipality to the amount of——, in sums of not less than one hundred dollars each, payable at the end of twenty [*or as the case may be*] years from the date on which this By-Law takes effect, and to bear interest at a rate not exceeding——per cent. per annum, payable half-yearly, on the——days of——and——in each and every year during the currency of the said debentures.

[*If the debt is payable by annual instalments, substitute after the words "one hundred dollars each":*) payable in the manner, for the amounts, and at the times respectively set forth in the schedule to this By-Law.]

2. The said debentures, as to principal and interest, shall be payable at——.

3. It shall be lawful for the Mayor (*or* Reeve) of the said Municipality, and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued, and to cause the same and the interest coupons attached thereto to be signed by the Treasurer of the said Municipality; and the Clerk of the Municipality is hereby authorized and instructed to attach the seal of the said Municipality to the said debentures.

4. There shall be raised and levied annually by a special rate on all the ratable property in the said Municipality the sum of——dollars for the payment of interest during the currency

of the said debentures, and also the sum of——dollars for the payment of the said debt.

[*(Or, if the debt is payable by annual instalments, substitute the following :)* There shall be raised and levied in each year, by special rate on all the ratable property in the said Municipality, a sum sufficient to discharge the several instalments of principal and interest accruing due on the said debt as the same becomes respectively payable, according to the schedule to this By-Law.]

5. This By-Law shall take effect on the——day of——, A.D. 189—.

6. The votes of the ratepayers of the said Municipality shall be taken on this By-Law at the following times and places, that is to say: on——day the——day of——next, at the hour of nine o'clock in the forenoon, and continuing until five o'clock in the afternoon of the same day.

[*Here insert the polling places and the name of the deputy returning officers.*]

7. On——day the——day of——, 189—, the Mayor [or Reeve] shall attend at the Council Chambers at——o'clock in the——noon to appoint persons to attend at the various polling places and at the final summing up of the votes by the Clerks respectively, on behalf of the persons interested in and promoting or opposing the passing of this By-Law.

8. The Clerk of the Council of the said Municipality shall attend at the——in the——of——at——o'clock in the——noon of——day the——day of——, 189—, and sum up the number of votes given for and against this By-Law.

Dated at the——of——this——day of——, 189—.

A. B., } Mayor (or Reeve). [L.S.]
C. D., } Clerk.

Where the by-law provides for the payment of the debentures by instalments, insert a schedule showing the amount payable in each year.

44. SCHOOL DEBENTURE.

Province of Ontario.

\$———. No.——
*Debenture of the———of———in the County of———, for
 School Loan.*

The Corporation of the———of———hereby promises to pay to bearer at the Bank of———, at———, the sum of——— dollars, lawful money of Canada, ———year (s) from the date hereof; and to pay interest at the rate of———per cent. per annum, half-yearly, to the bearer of the annexed Coupons respectively, upon the presentation thereof at the said Bank.

Issued at———, this———day of———, 189—, by virtue and under the authority of *The Public Schools Act, 1891*, of Ontario, and pursuant to By-Law No.———of said——— of———, passed on the———day of———, A.D. 189—, intituled, "A By-Law to raise by way of loan the sum of——— dollars for the purpose therein mentioned" (*or as the case may be*).

A. B., *Reeve or Mayor.*C. D., *Treasurer.***COUPON No.——**

The Corporation of the———of———will pay the bearer at the Bank of———, at———, on the——— day of———, 189—, the sum of———dollars, interest due on that day on Debenture No.———.

C. D., *Treasurer.***45. NOTICE OF APPORTIONMENT.**

The apportionment of the Legislative Grant to the several municipalities is based upon the latest returns of population in the previous year, and the division between the Public and Separate Schools on the average attendance of that year, as reported by the Inspectors, Public School Boards, and Separate School Trustees respectively.

While the Separate Schools receive their portion of the grant direct from the Department of Education, that of the Public Schools is paid, according to a

[L.S.]

ents, insert

schedule, through the respective County, City, Town, and Village Treasurers, to whom a copy of the schedule is sent. This constitutes the notice above referred to.

The County Councils are also notified that it is their duty to raise from the several Townships in their counties a sum at least equal to the amounts respectively apportioned to each county, and that all the supporters of the Roman Catholic Separate Schools are exempt from any rate to be levied for this purpose.

46. INSPECTOR'S WARRANT FOR THE PAYMENT OF THE SCHOOL GRANT.

Inspector's Office, ———, 18—.

To the Treasurer of the Township of——.

SIR,—You are hereby authorized to pay to the order of the Trustees of the several School Sections the sums set respectively opposite the numbers of such section as per this schedule.

—————, *Inspector.*

No. of School Section.	Amount.	Name of Trustees or Secretary-Treasurer.	To be filled up by Treasurer.	
			Date of Payment.	To whom Paid

47. AGREEMENT FOR ENGAGEMENT OF A PUBLIC SCHOOL TEACHER.

Memorandum of Agreement made this——day of——, 18—. Between The Board of Public School Trustees for School Section——, in the Township of——, in the County of—— [or The——Public School Board], hereinafter called the "Board," of the first part; and——of——, the holder of a——Class Certificate of qualification as a Public School Teacher in Ontario, hereinafter called the "Teacher," of the second part.

The Board hereby employ the said Teacher in the schools under their charge, and in such school or division of the same

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as they may appoint, at the yearly salary of—dollars, for the term of one year, beginning on the—day of—, one thousand eight hundred and—, and ending on the—day of—, one thousand eight hundred and—; and further agree that they and their successors in office will pay such salary to the said Teacher (at least quarterly), and will exercise all powers and perform all duties under *The Public Schools Act*, 1891, and the Regulations of the Education Department, which may be requisite for making such payment.

The Teacher agrees with the said Board to teach and conduct the said division or school assigned to him (or her) during the said term, according to the said Law and Regulations in that behalf [and the Regulations of the said Board from time to time in force].

The foregoing is subject to the following conditions:—(1) That the Teacher shall continue to be the holder of a legal certificate of qualification as a Public School Teacher in Ontario. (2) That holidays and vacations prescribed by the Law and Regulations are excepted from the said term. (3) That the days on which the Teacher has attended the meetings of Teachers' Associations or Institutes, as certified by the Inspector or Chairman thereof, shall be allowed him as if he had actually taught in the said school; and (4) That in case of sickness, as certified by a registered medical practitioner, he shall be entitled to receive his salary without deduction, for such period as may be authorized under the Statute in that behalf. (5) That the Regulations of the said Board for the government of the schools under their charge, both as relates to pupils and teachers, in force during the continuance hereof, shall form part and parcel hereof as if embodied herein.

The Board and the Teacher may, at their option, respectively terminate this engagement by giving notice in writing to the other of them at least—calendar months previously, and so as to terminate on the last day of a calendar month [or by giving notice as is provided in such cases under the said

Regulations relating to Teachers passed by the Board, as aforesaid].

This agreement shall also be construed to continue in force from year to year, unless and until it is terminated by the notice hereinbefore prescribed.

As witness the Corporate Seal of the said Board and the hand and seal of the Teacher, on the day and year first above mentioned.

.....
 } Trustees. [Corporate
 } Seal.]

.....Teacher. [Seal.]

In presence of

[In Duplicate.] One copy to be retained by the Trustees and the other by the Teacher.

48. TRUSTEES' REQUEST TO INSPECTOR TO SUSPEND THE CERTIFICATE OF A TEACHER.

———, 18—.

SIR,—The Trustees of School Section No.—, in the Township of——, hereby inform the Public School Inspector that——, a teacher holding a certificate of qualification valid in this County, has wilfully neglected [*or refused*] to carry out an agreement entered into with us as Trustees. We, therefore, request you to suspend the certificate of such teacher in terms of the one hundred and thirty-third section of *The Public Schools Act, 1891*.

A. B., } Trustees of
 C. D., } School Section
 E. F., } No.—.

To the Public School Inspector.

**49. NOTICE TO TRUSTEES AND TEACHER OF THE SUSPENSION
OF TEACHER'S CERTIFICATE.**

Public School Inspector's Office,
_____, 18—.

SIR,—By virtue of the authority vested in me by the one hundred and forty-fourth section of *The Public Schools Act*, I hereby notify you that I have suspended your certificate of qualification [or the certificate of qualification of _____] as a Public School Teacher in School Section No.—, in the Township of—, and within my jurisdiction. My reasons for doing so are as follows, namely :—[*Insert them*].

A. B.,
Public School Inspector.

To C. D., Public School Teacher, and to the
Trustees of School Section No.—.

**50. INSPECTOR'S NOTICE TO THE MINISTER OF EDUCATION OF
THE SUSPENSION OF A TEACHER'S CERTIFICATE.**

Public School Inspector's Office,
_____, 18—.

SIR,—The undersigned, Inspector of Public Schools in the _____ of _____, hereby notifies the Honorable the Minister of Education, that by virtue of the authority vested in him in that behalf he has suspended the certificate of qualification held by _____, a Public School Teacher within his jurisdiction, for the following reasons, namely :—[*Insert them*]. The certificate suspended was issued by the late Chief Superintendent of Education [Council of Public Instruction, Education Department, or the Minister of Education, *as the case may be*], and is dated the _____ of _____, 18—. It is of the _____ class, grade _____.

A. B.,
Public School Inspector.

To the Honorable
The Minister of Education.

51. NOTICE TO A TEACHER OF THE MEETING OF THE COUNTY BOARD OF EXAMINERS TO CONSIDER HIS CASE.

Public School Inspector's Office,

_____, 189—.

The Public School Inspector hereby notifies_____, a school teacher, whose certificate of qualification was suspended by him on the____day of____, 18—, that a meeting of the County Board of Examiners will be held at____, on____, the____day of____, 18—, at____o'clock in the____noon, to consider the suspension of such certificate.

A. B.,

Public School Inspector.

To C. D.,

Public School Teacher.

52. REQUISITION FOR COUNTY EXAMINER'S EXPENSES.

To the Treasurer of the County of——.

You will please pay to_____, of_____, as required by sub-section 3 of section 145 of *The Public Schools Act, 1891*, the sum of \$_____, his incidental expenses incurred in the Examination of Third-Class Teachers as per account herewith [(or) \$_____for fees and travelling expenses incurred by him as Examiner in connection with the Examination of Third-Class Teachers].

Dated at____the____day of____, 189—.

A. B.,

Chairman of Board of Examiners.

53. INSPECTOR'S ANNUAL REPORT.

This form, which will be supplied by the Department of Education on application thereto, is too voluminous and complex for insertion in this book.

54. TEMPORARY CERTIFICATE ISSUED TO A TEACHER BY A PUBLIC SCHOOL INSPECTOR.

This is to certify that I, _____, as Public School Inspector of the County of _____, having received an application from the Trustees of School Section No. _____, desiring that the services of _____ [name in full] may become legally available for such school, and, having obtained the approval of the Minister of Education, do hereby grant under the authority of *The Public Schools Act*, 1891, a certificate of qualification to the said _____ to teach such school until the next ensuing meeting of the Board of Examiners in the month of _____, 18—.

As witness my hand at _____ this _____ in the presence of _____.

A. B.,
Public School Inspector.

55. NOTICE TO PARENT OR GUARDIAN OF NEGLECT TO EDUCATE CHILD OR CHILDREN.

SIR,—At the request of the Board of Public School Trustees for _____ [or the School Inspector, or Mr. _____, a rate-payer], I hereby inform you that _____, your child [or children, or _____, under your care or guardianship] has [or have] not attended any school, or has [or have] not otherwise been under efficient elementary instruction, as required by the second and following sections of *The Truancy Act*.

Before bringing this neglect on your part before the magistrate having jurisdiction in such cases, you are hereby notified that it is your duty to have the child [or children] named to attend some school, or send some explanation of the alleged neglect as you may deem necessary and proper.

I am, Sir, your obedient servant,

To C. D.,

Parent [or Guardian] of _____.

A. B.,

Truant Officer.

This notice may be given by personal delivery, by leaving the same at the residence of the party concerned, by delivery to the agent of a company or corporation concerned, or by a letter by post, prepaid. See section 14 of *The Truancy Act*.

56.

FORM A.

(To be used under section 11 of *The Truancy Act*, 1891.)

Census of all children between the ages of eight and fourteen in the (city, town, incorporated village or township), (as the case may be) of——.

Name of Child.	Age.	Parent or Guardian.	Residence.

57. NOTICE OF TRUANT CHILDREN.

———, 18—.

SIR,—As required by section 12 of *The Truancy Act*, 1891, the Board of School Trustees of ——hereby notifies you that the following pupils enrolled on the register of its school have not attended its school as required by the aforesaid Act, namely :—

A. B.....	Age. _____	Residence. _____
C. D., etc.....	_____	_____

The Trustees also desire to inform you— [*Here give such other information as the Truant Officer may require*].

E. F.,

To G. H.,
Truant Officer. Secretary-Treasurer of the School Board.

58. AGREEMENT WITH CARETAKER.

Memorandum of agreement made this ——day of——, A.D. 189—, between "The ——Public School Board," hereinafter called the "Board," of the first part, and——, of the——of——, in the County of——, hereinafter called the "Caretaker," of the second part.

The Board hereby employ the said Caretaker to take charge of——School, in the said——of——, at the yearly salary of——dollars, for the term of one year, beginning on the——day of——one thousand eight hundred and ninety——, and ending on the——day of——one thousand eight hundred and ninety——, said salary to be paid at the times and in the amounts provided under the laws of the Board hereinafter referred to for the payment of Caretakers.

The Caretaker covenants and agrees to and with the said Board to perform the duties of the said office in a workman-like and proper manner (and in accordance with and subject to the By-Laws of the Board under the head of "Duties of Caretakers," which are hereby made part and parcel of this agreement as if embodied therein).

The Board and the Caretaker may, at their option, respectively, terminate the engagement by giving the one to the other one month's notice in writing to such effect, when this agreement shall cease.

In witness whereof the Board have hereto affixed their corporate seal, and the Caretaker his hand and seal, the day and year above written.

Signed, sealed, and delivered }
in the presence of }

59. CONTRACT FOR SUPPLIES.

Articles of agreement made (in duplicate) this——day of——one thousand eight hundred and ninety——, between——, of the—— (Township, Village, Town, or City, as the case may be), of——, in the County of——, (occupation,) hereinafter called the Contractor, of the first part; and "The Board of Public School Trustees for School Section——, of the Township of——, in the County of——," (or, "The——Public School Board," as the case may be,) hereinafter called the "Board," of the second part.

Whereas the Committee on——, of the said Board, having called for tenders for the supplies for the said Board during the year ending the——day of——, A.D. 189—, according to the specifications hereto annexed, the said Contractor did put in the tender hereto annexed, marked "One," which said tender was accepted so far as relates to the articles hereunder written, that is to say :—(*Insert here so much of said tender as is accepted*).

Now these presents witness that the said Contractor covenants with the said Board to supply to the said Board all or any of such articles mentioned above, or any portions or quantity thereof, which may be required by the said Board, at the rates mentioned in the said tender, and that the said articles, and each of them, shall be of the best quality and in strict accordance with the said specification, which is incorporated with and made part of this contract. And shall be delivered by the said Contractor at such times and places, and in such manner and quantities, as shall be directed by the Secretary-Treasurer of the said Board. And the said Board covenant with the said Contractor that if he shall duly and properly execute and perform the said work to the satisfaction of the said Secretary-Treasurer and the Board, and shall observe and keep all the conditions and covenants herein contained, they, the said Board, will pay for the articles so supplied, at the rates mentioned in the said tender, such payments to be made upon the certificate of the said Secretary-Treasurer and the Chairman of the Committee aforesaid.

Provided that a drawback of——per cent. of the price of the articles so supplied shall be retained by the said Board until the completion of this contract; and provided, also, that if at any time the articles supplied under this contract, or any of them, shall not, in the opinion of the said Secretary-Treasurer or of the Committee, be suitable or satisfactory, either in quantity or quality, or in the time or manner of delivery, or in any respect whatever, the said Secretary-Treasurer shall immediately give notice thereof to the Con-

tractor, and report the same with all convenient speed to the Committee aforesaid, who may, at the expiration of——days from the giving of such notice, declare this contract forfeited, and make new provision for the supply of the articles hereby contracted for during the remainder of the term, and the expenses occasioned by and incidental to the granting of such new contract may be recovered from the said Contractor or his sureties, as money paid at his or their request, and the said Contractor shall also forfeit as liquidated damages any money due hereunder then remaining in the hands of the said Board. And it is also understood and agreed that the Board shall not be liable for, and will not pay for, any articles rejected or condemned by the said Secretary-Treasurer or Committee, and will not pay any——or other estimate unless the articles so rejected have been promptly replaced by others, to the satisfaction of the said Secretary-Treasurer.

In witness whereof the said Contractor has hereunto set his hand and seal, and the said Board have hereunto affixed their corporate seal, by——, Esquire, Chairman, countersigned by——, Esquire, Secretary-Treasurer, of the said Board.

Signed, sealed, and delivered)
in the presence of)

Chairman.

Secretary-Treasurer.

60. BOND OF CONTRACTOR.

Know all men by these presents that——, of the——
of——, in the County of——, hereinafter called the

Principal, and——, of the same place, and——, of the same place, severally held and firmly bound unto "The Board of Public School Trustees for School Section——, of the Township of——, in the County of——," (or, "The——Public School Board," *as the case may be*,) each in the penal sum of——dollars of lawful money of Canada, to be paid to the said "The Board of Public School Trustees for School Section——, of the Township of——, in the County of——," (or, "The——Public School Board," *as the case may be*,) or to their certain attorneys, successors or assigns, for which payment, well and truly to be made, we severally bind ourselves, and each of us, our several and respective heirs, executors, and administrators forever, firmly by these presents.

Sealed with our several seals. Dated this——day of——, in the year of our Lord one thousand eight hundred and ninety——.

Whereas, by the annexed written articles of agreement, the said Principal having contracted with "The Board of Public School Trustees for School Section——, of the Township of——, in the County of——," (or, "The——Public School Board," *as the case may be*,) for the supply of certain articles to the said Board at the prices and upon the terms and conditions, and for the period in the said articles of agreement more fully set forth, and having been required to furnish satisfactory security for the fulfilment of the said agreement, the said sureties have consented to become such security, and to execute these presents.

Now the condition of this obligation is such, that if the said Principal shall well, truly, and faithfully execute, complete, and carry out the said contract, and all the terms and conditions thereof for the period therein mentioned, to the satisfaction of the——, of the said "The Board of Public School Trustees for School Section——, of the Township of——, in the County of——," (or, "The——Public School Board," *as the case may be*,) and shall indemnify and keep indemnified the said "The Board of Public School

Trustees for School Section—, of the Township of—, in the County of—,” (or, “The—Public School Board,” *as the case may be*,) and all the officers, servants, and agents thereof, from all and all manner of damage, loss, expense, suits, claims, and demands arising out of any breach of the said contract, or of any of the covenants or conditions therein contained, then this obligation shall be void, else to remain in full force.

And it is hereby declared and agreed that the above bounden sureties shall be liable as principals, and nothing of any kind or matter whatsoever that will not discharge the said Principal shall operate as a discharge or release of liability to the said sureties, or any or either of them, any law or usage relating to the liability of sureties to the contrary notwithstanding.

Signed, sealed, and delivered }
in the presence of }

61. CONTRACT FOR SCHOOL BUILDINGS.

This agreement, made and entered into this—day of —, one thousand eight hundred and ninety—, between —, of the—of—, in the County of—, hereinafter called the Contractor, of the first part; and “The Board of Public School Trustees for School Section—, of the Township of—, in the County of—,” [or, “The—Public School Board” (*as the case may be*),] hereinafter called the “Board,” of the second part.

Whereas the said Board, through their Committee on Sites and Buildings, having advertised for tenders for—on land and premises of the Board, situated on [*here state location of premises in the township, village, town, or city, as the case may be*], according to the specifications hereinafter referred to, the said Contractor did put in the tender, hereto annexed, and marked “One,” for the said work, at the rates therein mentioned, which said tender was accepted.

Now these presents witness that the said party of the first part, the Contractor, for the consideration hereinafter mentioned, does hereby for his heirs, executors, administrators, and assigns, covenant, promise, and agree to and with the said Board, their successors and assigns, in manner following, that is to say: To well and sufficiently execute and perform the whole of the work mentioned in such tender, and in the specifications, *plans and profiles* relating thereto, (and which specifications are numbered "Two," and the plans and profiles identified by the signature of the said Contractor) in a true, perfect, and thorough workmanlike manner, in strict accordance with the said specifications, *plans and profiles*, which are hereby made part of this contract as if imbodyed herein [except in so far as they may be inconsistent herewith, in which case the provisions of this contract shall prevail] according to the directions and to the satisfaction, and under the direction and personal supervision of the Superintendent of Buildings of the said Board, in charge of the said works, and to the satisfaction of the said Board; finding all proper and sufficient material, tools, plant, labor, and workmanship necessary for the proper execution of the same in the manner aforesaid. And that the said works shall not be commenced until a written order therefor has been signed by the said Superintendent of Buildings, and shall be fully and satisfactorily completed as aforesaid, and possession thereof given to the said Board on or before—— unless a longer period shall be allowed therefor by resolution of the said Committee on Sites and Buildings.

And the said Board for themselves and their successors covenant with the said Contractor that if the said work and every part thereof shall be duly and properly executed as aforesaid, according to the directions of the said Superintendent of Buildings and to his satisfaction and that of the said Board, and if the said Contractor shall strictly observe, keep and perform all the terms, covenants and conditions of this contract hereinafter contained, they, the said Board, will pay the said Contractor therefor at the rates mentioned in the said

tender (which are to include all extras except as hereinafter provided), by——payments, to be made during the progress of the work, upon the certificate of the said Superintendent of Buildings and the Chairman of the Committee aforesaid ; said payments so to be made that when the work is completed and ready for the Board's acceptance, there shall remain in the hands of the Board twenty per cent. of the contract sum.

Provided that no money shall become due or payable on this contract until such certificate shall have been granted, and that a drawback of ten per cent. of the amount appearing by any certificate to be due shall be retained by the said Board for thirty-one days from the date of the final certificate showing the satisfactory completion of the said works. Provided also that the Board shall not be liable to pay for any work rejected or condemned by the said Superintendent of Buildings, or to pay any money upon any certificate until the work so rejected or condemned has been replaced by new material and workmanship, to the satisfaction of the Superintendent of Buildings, or to pay for any extras not included in the specifications, unless ordered in writing by the said Superintendent of Buildings.

And it is further understood that in case of several contractors being employed, the work of no trade is to be considered complete till all the other contracts are also completed.

Provided that in respect of the said payments, a progress certificate shall be obtained from and signed by the said Superintendent of Buildings, that he considers the payment properly due, said certificate, however, in no way lessening the total and final responsibility of the Contractor, neither shall it exempt the Contractor from liability to replace work if it be afterwards discovered to have been badly done, or not according to the drawings and specifications, either in execution or materials.

It is hereby further agreed by and between the said parties as follows, that is to say :—

1st. The said Contractor to indemnify and keep indemni-

ified the said Board, and the officers, servants, and agents thereof, from all and all manner of loss, damage or injury, suits, claims, liens and demands on account of the said works, or incurred by reason or in consequence of the execution thereof, or the supply of material therefor. And to pay to the said Board on demand any expenses sustained by them in consequence of such suits or claims, or any money paid by them in settlement thereof or in discharge of any lien upon the said works which may be registered under the provisions of the statutes in that behalf; or that the amounts so paid or payable by the said Board may be deducted by them from any moneys of the said Contractor then remaining in their hands, or may be recovered from the said Contractor or his sureties as money paid at his or their request. And the said Contractor doth hereby authorize and empower the said Board or their solicitor for the time being to settle or defend any of such claims or suits as the said Board or solicitor may deem expedient, hereby agreeing to ratify and confirm the acts of the said Board or their solicitor in that behalf, and to pay to the said solicitor on demand their reasonable cost of defending such suits as they may deem it expedient to defend.

2nd. The said Contractor to pay to the said Board on demand the sum of——dollars per day for every day's delay beyond the day above named for the completion of any of the said works to the satisfaction of the said Superintendent of Buildings, or that the same may be deducted from the amount due to the said Contractor on this or any other contract, or recovered as liquidated damages from the said Contractor or his sureties.

3rd. That all differences that may arise in the carrying out of this contract shall be referred to the award, order, arbitrament, final end and determination of the Superintendent of Buildings, in charge of the said work, so as the said Arbitrator shall make and publish his award in writing of and concerning such differences within the space of fifteen days after he shall have been requested in writing by either party to decide concerning

the matter in difference, and that each of the said parties hereto shall obey, perform, observe, fulfil, and keep the award of such Arbitrator so as to be made as aforesaid, and shall not nor will do any act, matter, or thing to delay, hinder, or prevent the said Arbitrator from making his award, and that this submission and reference may be made a Rule of Court.

4th. In case the works are not carried on with such expedition and with such materials and workmanship as the Superintendent of Buildings may deem proper, then, with the special and written consent of the Committee on Sites and Buildings, the Superintendent of Buildings shall be at liberty to give the Contractor two days' notice in writing to supply such additional force or material as in the opinion of the said Superintendent of Buildings is necessary, and the Contractor failing to supply the same, it shall then be lawful for the said Committee to dismiss the said Contractor and to employ other persons to finish the work; and all payments made on account thereof to such other persons shall be deemed payments on account of the contract, but without prejudice to the right to recover from the said Contractor any money in excess of the contract price, which may be paid for so finishing the works, or any other damage caused by breach of this contract. But if any balance on the amount of this contract remains after completion, in respect of work done during the time of the defaulting Contractor, the same shall belong to——or the person legally representing——.

5th. And the said Contractor, upon receiving notice that the contract has been so declared forfeited, will forthwith give peaceable possession of the said works to the said Board, and that the costs and expense occasioned by and incidental to the making of such new arrangements for the completion of the said work may be deducted from any moneys of the said Contractor in the hands of the said Board, or recovered from the said Contractor or his sureties as money paid at his or their request; and that the said Con-

tractor shall also forfeit to the said Board any money due or to become due under this or any other contract.

6th. If required, a certificate shall, in each case, be obtained by the Contractor from the proper Registrar of the———of———, and from any other office, where Mechanics' liens or cautions may be recorded, signed by said Registrar, Master of Titles, or other officer, that he has examined the records and finds no Mechanics' liens, cautions or claims recorded against the land of the proprietors, on account of the said Contractor; and thereupon, and on or before the expiration of said thirty-one days after the completion of the said works, a final certificate shall be obtained from and signed by the said architect, certifying to the balance due to the Contractor on the said contract, and for all extras in respect thereof. But if such final certificate shall be refused by said architect fraudulently or in collusion with the said Board, the said Contractor shall, nevertheless, after the expiration of the said thirty-one days, be entitled to proceed at law to enforce payment of the balance due to him under the said contract, and for all extra works in respect thereof, and the production of a final certificate shall not in that case be a condition precedent to the right of the said Contractor to recover the amount justly due and owing to him, and such balance and the amount due in respect of extras shall be recovered, if justly due, without the necessity for the production in evidence of any final certificate, if refused for any of the causes aforesaid, and the right of action hereby given shall not be controlled by the arbitration clause hereinafter set forth.

7th. The Contractor, at his own proper cost and charges, is to provide all manner of labor, material, apparatus, scaffolding, utensils and cartage of every description, needful for the due performance of the several works, and render all due and sufficient facilities to the Superintendent of Buildings and the Clerk of the Works for the proper inspection of the work and materials which are to be under their control; and the Superintendent may require the Contractor to dismiss any workman

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or workmen who may be incompetent, uncivil or abusive, the workmen and Contractor being only admitted to the ground for the purpose of the proper execution of the works; and the Contractor shall and will during the whole time of building give due personal attendance, either by——or by a competent foreman for each trade as may be required upon the execution of all the works aforesaid, and take effectual care that the same be carried on, executed, and performed with such expedition and despatch so as to be in every respect completed by the day provided for the completion thereof, subject only to such provision for an extension of time as is herein provided. The Contractor shall deliver up the works to the Board in perfect repair, clean and in good condition, when complete. The Contractor shall not sub-let the works, or any part thereof, without the consent, in writing, of the Sites and Buildings Committee.

8th. Should the said Committee at any time during the progress of the said works require any alterations of, or deviations or omissions from, or additions to the said plans and specifications, the Superintendent of Buildings, with the written consent, in every case, of the said Committee, shall have the right and power to make such change or changes, and the same shall in no wise affect or make void the contract, but the value of work omitted shall be deducted from the amount of contract by a fair and reasonable valuation, and as to any additional work required in alterations the amount to be paid therefor shall be agreed upon in writing before commencing such additions, and such agreement shall state also the extension of time (if any) which is to be granted by reason thereof; provided that in estimating the value of such alterations or additions regard shall be had to any loss, outlay, or damage necessarily and reasonably sustained by the Contractor in the preparations to comply with the original drawings and specifications.

9th. In event of the Contractor at any time during the progress of the work delivering any material at the works not

in strict accordance with the provisions of the specifications as regards quality or otherwise, the Superintendent of Buildings shall be at liberty to order the removal of such objectionable material forthwith by the Contractor or his agent; and in the event of the Contractor or his agent refusing or neglecting to comply with any order so given, the said Superintendent of Buildings shall cause such objectionable material to be removed at the expense of the Contractor, and give orders on the Board, as occasion may require, for the cost of and incidental to such removal, and the amount of all such orders so given shall be deducted from any moneys due or to accrue due to the Contractor, or may be recovered by action by the said Board from the Contractor or his sureties in any Court of competent jurisdiction.

10th. All figured or written dimensions on drawings or specifications to supersede the measurement by scale.

11th. The Board will not in any manner be answerable or accountable for any loss or damage by fire or otherwise that shall or may happen to the said works, or any part or parts thereof, respectively, or for any of the materials or other things used and employed in finishing and completing the said works, or for injury to any person or persons, either workmen or the public, or for damage to adjoining property from any cause which might have been prevented by the Contractor or his workmen, or any one employed by him, against all which injuries and damages to persons or property the Contractor having control over such work must properly guard and make good all damage from whatever cause, whether by fire or otherwise, and be strictly responsible for the same.

12th. The Board may insure the building from time to time during the course of erection.

13th. All work and material, as delivered on the premises to form part of the works, are to be considered the property of the Board, and are not to be removed without their consent; but the Contractor shall have the right to remove all surplus material after he has completed the works herein contracted for.

14th. Should any work be delayed beyond the time mentioned in this agreement, by reason of the inclemency of the weather, or by reason of general strikes of a particular trade, the Superintendent of Buildings shall have full power, with the written consent in such case of the Committee, to extend the time for the completion of the works, making a just and reasonable extension for that purpose.

15th. All drawings and specifications in possession of the Contractor shall be returned to the Superintendent of Buildings by the Contractor before the final certificate is issued.

16th. And it is further agreed that, in every case hereinbefore mentioned, time shall be the essence of this contract.

17th. Provided always, and it is further covenanted between the parties hereto, that if from any cause whatsoever the said Contractor shall make default or shall abandon the contract entered into by these presents, or depart this Province before the same is completed, being indebted to the agents, workmen, or laborers employed by him for work done under this contract, or if upon the completion thereof by the said Contractor shall be so indebted to such agent, workmen, or laborers, it shall and may be lawful for the said Board, and they are hereby expressly authorized by the said Contractor, out of any money or moneys that may be in their hands coming to the said Contractor, under this contract, to pay such agents, workmen and laborers on account of such indebtedness an amount equal to one fortnight's wages, provided so much shall be owing to them as aforesaid, and the receipt or receipts of such agents, workmen, or laborers, for the said fortnight's wages, or so much thereunder as shall have been so due as aforesaid, shall be a good and valid discharge and discharges of and for so much money due to the said Contractor under these presents.

In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written, that is to say, the said party of the first part — proper hand and seal, and the said parties of the second part

their corporate seal, by———, Esquire, Chairman, countersigned by———, Secretary-Treasurer, of the said Board.

Signed, sealed, and delivered }
in presence of }

62. BOND OF CONTRACTOR.

Know all men by these presents that we———, of the———, in the County of———, hereinafter called the Principal———, and———, of the same place, and———, of the same place, hereinafter called the sureties, are severally held and firmly bound unto "The Board of Public School Trustees for School Section———, of the Township of———, in the County of———," [or, "The———Public School Board" (*as the case may be*),] each in the penal sum of———dollars of lawful money of Canada, to be paid to the said "The Board of Public School Trustees for School Section———, of the Township of———, in the County of———," [or, "The———Public School Board" (*as the case may be*),] or to their certain attorney, successors or assigns, for which payment, well and truly to be made, we jointly and severally bind ourselves, our and each of our several and respective heirs, executors and administrators, and every one of them forever, firmly by these presents. Sealed with our several and respective seals.

Dated this———day of———, in the year of our Lord one thousand eight hundred and ninety———.

Whereas, by certain articles of agreement, bearing even date with the above obligation, the above bounden Principal having contracted and agreed with the above named, "The Board of Public School Trustees for School Section———, of the Township of———, in the County of———," [or, "The———Public School Board" (*as the case may be*),] to——— in the said articles of agreement, and in the plans and specifications belonging thereto, more particularly mentioned and

described, at the prices and upon the terms and conditions in the said articles of agreement and specifications more fully set forth, and, having been required to furnish good and sufficient security for the due and proper fulfilment of the said agreement, the above bounden sureties have consented to become such security, and to execute these presents.

Now the condition of the above obligation is such, that if the above bounden Principal shall, well and truly, faithfully in all respects perform, execute, and carry out the said contract and all the terms and conditions thereof to the satisfaction of the Superintendent of Buildings in charge, and of the said "The Board of Public School Trustees for School Section—, of the Township of—, in the County of—," [or, "The —Public School Board" (*as the case may be*),] and shall indemnify and keep indemnified the said "The Board of Public School Trustees for School Section—, of the Township of—, in the County of—," [or, "The —Public School Board" (*as the case may be*),] and all the officers, servants and agents thereof, from all and all manner of loss, damage, expense, suits, claims, liens and demands arising out of the said contract, or incurred by reason of the execution of the said works, or the supply of material therefor, according to the terms of the said contract, then this obligation to be null and void, otherwise to remain in full force and virtue.

And it is hereby declared and agreed that the above bounden sureties shall be liable as principals, and nothing of any kind or matter whatsoever that will not discharge the said Principal shall operate as a discharge or release of liability to us, the said sureties, or any or either of us, any law or usage relating to the liability of sureties to the contrary notwithstanding.

Signed, sealed, and delivered }
in presence of }

BY-LAWS.

I.

PROCEEDINGS AT THE INAUGURAL MEETING.

1. The Inaugural Meeting of the Board shall be held on the third Wednesday in January at the hour of seven o'clock in the afternoon, or at such other hour on the same day as may have been fixed by resolution of the former Board, at the usual place of meeting of the Board. The Secretary of the Board shall preside at the election of Chairman, and read the returns of elections to the Board as certified to him by the City (or Town) Clerk.

2. The Board shall then proceed to elect a Chairman. The vote shall be by ballot, without nominations (*or, as the case may be*). A majority of the votes cast shall be necessary to an election, and, in case of an equality of votes, the member who is assessed as a ratepayer for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his or her vote as a member.

3. Immediately following the election of Chairman the Board shall adjourn for a short time, and the senior members present shall be a Special Committee to meet at once for the purpose of striking the Standing Committees. The Board resuming, the report of the Special Committee shall be presented. The Standing Committees shall be constituted as follows:—

- (1) Finance—the Chairmen of the Standing Committees and three other members.
- (2) Management—two members from each ward.

- (3) Property—two members from each ward.
- (4) Supply—six members.
- (5) Night School—six members.

4. Immediately following the adjournment of the Board the Chairman of the Board shall call each of the Standing Committees to order, and each Committee shall then appoint a Chairman for the ensuing year.

5. The Chairman of the Board shall be *ex officio* a member of all Committees.

II.

OFFICERS OF THE BOARD.

The officers of the Board shall consist of a Chairman and the following salaried officials:—Two Inspectors, Secretary-Treasurer, Superintendent of Buildings, and Solicitor, who shall hold office during pleasure.

III.

MEETINGS OF THE BOARD.

1. Regular meetings of the Board shall be held on the first and third Thursday of each month, commencing at 7.45 o'clock P.M., unless otherwise ordered by special motion, or unless such Thursday shall fall on a statutory or civic holiday, in which case the Board shall meet on the evening of the following day at the same hour.

2. Unless there shall be a quorum present within one-quarter of an hour after the time appointed for the meeting of the Board, it shall stand adjourned until the next day of meeting; and the Secretary shall record the names of the members present at the expiration of such quarter-hour.

3. The Board shall not remain in session later than 11 o'clock P.M., unless it is otherwise determined by a two-thirds vote of the members present.

4. Special meetings of the Board may be called by the

Chairman on his own responsibility at any time, and it shall be his duty, or, in his absence, the duty of the Secretary, to convene such special meetings whenever requested to do so by a written requisition, signed by — members of the Board.

IV.

RULES OF ORDER.

1. A majority of the members of the Board, when present at any meeting, shall constitute a quorum, and the vote of the majority of such quorum shall be necessary to bind the Board.

2. At the hour of meeting the Chairman shall take the chair, and the members shall be called to order.

3. In case the Chairman shall not be in attendance, the Secretary shall call the meeting to order until a chairman shall be chosen, who shall preside until the arrival of the Chairman.

4. In the absence of the Chairman, any person appointed to act as chairman by the majority of those present shall preside, and the Chairman or person so acting may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived.

5. When the Chairman is called on to decide a point of order or practice, he shall state the rule applicable to the case, without argument or comment.

6. The ruling of the Chairman shall be subject to an appeal to the Board without debate.

7. Upon a division of the Board, the names of those who vote for and of those who vote against the question shall be entered upon the Minutes when any member demands the yeas and nays before the vote shall have been taken.

8. If the Chairman desires to leave the chair for the purpose of taking part in the debate, or for any other purpose, he shall

call one of the members to fill his place until he resumes the chair.

9. Any member desiring to speak must rise in his or her place, and, standing uncovered, address the Chairman. The latter, on being addressed, shall call the member by name, and such member may then, but not before, proceed to address the Board.

10. No member while speaking shall be interrupted by another, except upon a point of order, or for the purpose of explanation. The member so interrupting shall confine himself strictly to the point of order or the explanation.

11. Any member called to order from the chair shall sit down, but may afterwards explain, and the Board, if appealed to, shall decide the case, but without debate; if there be no appeal, the decision of the Chairman shall be final.

12. No member shall speak longer than a quarter of an hour on the same subject without leave of the Board, nor shall any member, except in explanation, speak more than once upon any question or motion; but the mover shall be allowed to reply.

13. Any member of the Board may require the question under discussion to be read at any part of the debate, but not so as to interrupt a speaker.

14. Notice in writing shall be given of all motions for introducing new matter, other than matters of privilege and petitions, at a meeting previous to that at which it comes up for discussion, unless such notice be dispensed with by a two-thirds vote of the members present.

15. Any matter, when once decided by the Board, shall not be reintroduced during the year, unless by a two-thirds vote of the members then present.

16. No matter shall be entertained and considered by the Board until it has been referred to the Committee having proper

cognizance of the same, and until such Committee has reported thereon, unless by a two-thirds vote of the members present.

17. A motion must be put in writing, and seconded, before it is stated by the Chairman, and then it shall be disposed of only by a vote of the Board, unless the mover, by permission of the Board, withdraws it.

18. Any member who has given notice of a motion may withdraw the same with the unanimous leave of the Board, or, in like manner, it may be allowed to stand.

19. No member of the Board shall have more than one vote on any question, whether in Committee of the Whole, or any other Committee.

20. The Order of Business shall be as follows :—

- (1) Calling Roll and Noting Members Absent.
- (2) Prayer.
- (3) Reading the Minutes.
- (4) Reading Communications, Petitions, etc., to the Board.
- (5) Reports of Standing and Special Committees, and of the Inspectors.
- (6) Enquiries.
- (7) Notices of Motion.
- (8) Consideration of Reports.
- (9) Unfinished Business from Previous Meetings.
- (10) Motions.
- (11) General Business.

No variation in the foregoing Order of Business shall be permitted, unless by a two-thirds vote of the members present, which shall be taken without debate.

21. When a question is under debate, no motion shall be received except :—

- (1) To adjourn.
- (2) The previous question.
- (3) To lay on the table.
- (4) To postpone.
- (5) To commit.
- (6) To amend.

A motion to adjourn, for the previous question, or to lay on the table, shall be put without debate.

22. A motion to adjourn shall always be in order, but no second motion to the same effect shall be made until some business shall have intervened.

23. A motion for commitment, until it is decided, shall preclude all amendments of the main question.

24. The previous question, until it is decided, shall preclude all amendments of the main question, and shall be put without debate in the following words: " Shall this question be now put ? " and if the motion be carried the original question shall be put forthwith, without any amendment or debate.

25. All amendments shall be put in the reverse order in which they are moved, except in filling up blanks, when the longest time and the largest sum shall be put first ; and every amendment submitted shall be in writing, and be decided upon, or withdrawn, before the main question is put to the vote. Only one amendment shall be allowed to an amendment, and any amendment more than one must be to the main question.

26. In all motions for the appointment of any member of the Board, or of any other person, to any office other than that of Chairman, the names of all candidates shall be submitted before any vote is taken, and the candidates shall be voted on separately in the order in which they are proposed.

27. When the question under consideration contains distinct propositions, the vote upon each proposition shall be taken separately, upon the request of any member.

28. No member shall speak to the question after it is finally put by the Chairman, nor shall any other motion be made until after the result is declared; and the decision of the Chairman as to whether the question has been finally put shall be conclusive.

29. Whenever the Chairman is of opinion that a motion offered to the Board is contrary to the rules and privileges thereof, he shall apprise the members immediately before putting the question thereon, and quote the rule or authority applicable to the case, without argument or comment.

30. A report from the Committee of the Whole may be amended by a majority of the Board, before its adoption, without going back into Committee of the Whole for that purpose.

31. Whenever the Chairman shall adjourn the Board for want of a quorum, the time of adjournment, and the names of the members then present, shall be recorded in the Minutes.

32. When the Board shall determine to go into Committee of the Whole, the Chairman shall name, in alphabetical order, the member who shall take the chair.

33. The member introducing a petition or motion upon any subject which may be referred to a Special Committee shall be one of the Committee without being named by the Board, and be the Chairman thereof. Any member of the Board may be placed upon a committee.

34. All petitions or communications on any subject within the cognizance of a Standing Committee shall, on presentation, be referred by the Chairman to the proper committee without any motion; but it shall be competent for the Board, by a two-thirds vote, to enter upon the immediate consideration thereof.

35. The rules of parliamentary practice not inconsistent with

these rules shall govern the Board in all cases to which they are applicable.

V.

COMMITTEES.

1. The rules of the Board shall be observed in Committee of the Whole, except the rules respecting the yeas and nays, and limiting the number of times of speaking; and no motion for the previous question, or for an adjournment, can be received; but a member may at any time move that the Chairman leave the chair, or report progress, or ask leave to sit again; and all original motions shall be put in the order in which they are proposed, and shall not require to be seconded.

2. On motion in Committee to rise and report, the question shall be decided without debate.

3. Committees appointed to report on any subject referred to them by the Board shall report a statement of facts, and also their opinion thereon in writing; and it shall be the duty of the Chairman, or acting Chairman, to sign and present the report.

4. A minority of any Committee may have a Minority Report presented by the Chairman of the Committee in the same manner as the Majority Report is presented.

5. Committees shall have power, in cases of emergency, to spend an amount not exceeding fifty dollars, but no Committee shall enter into any contract or agreement involving the payment of money to an amount exceeding fifty dollars until such contract or agreement has been approved of by the Board.

6. No Committee shall exceed the appropriation made to such Committee for any purpose, nor shall a Committee, without the approval of the Finance Committee and of the Board, expend money appropriated to any one purpose on any other work or service.

7. The Secretary shall produce to the respective Committees all documents referred to such Committees.

8. Reports of all Standing Committees shall be printed before presentation to the Board, and shall contain the names of the members of such Committees present at the meetings at which such reports were adopted ; and if at any time a meeting of any of the Committees shall be called, but at the time appointed a quorum is not present, the Chairman, or, in his absence, the Secretary, shall report the fact to the Board at the next meeting, giving the names of the members present.

9. A majority of the members appointed to compose any Standing or Special Committee, exclusive of any *ex officio* member, shall be a quorum, competent to transact business.

10. Special meetings of a Standing Committee may be called by the Chairman thereof whenever he shall consider it necessary to do so ; and it shall be the duty of the Chairman, or, in his absence, of the Secretary, to summon a special meeting of a Committee whenever requested in writing to do so by a majority of the members thereof.

11. The business of the respective Standing and Special Committees shall be conducted under the following regulations :—

- (1) The Rules of the Board, as far as may be applicable, shall be observed.
- (2) No motion shall be required to be seconded.
- (3) No motion for the previous question shall be allowed.
- (4) The number of times of speaking on any question shall not be limited.
- (5) The Chairman shall preside at every meeting, and vote on all questions submitted.
- (6) Any question on which there is an equality of votes shall be deemed to be negatived.
- (7) In the absence of the Chairman, one of the other members shall be elected to preside, and shall discharge the duties of the Chairman for the meeting, or until the arrival of the Chairman.

- (8) The Chairman shall sign all such orders and documents as the Committee may properly order.
- (9) The minutes of all transactions of every Committee shall be accurately entered in a book provided for that purpose, and at each meeting the minutes of the preceding meeting shall be submitted for confirmation or amendment, and after they have received the approval of a majority of the members present they shall be signed by the Chairman.
- (10) Each minute so recorded shall have attached to it a progressive number for reference, and an analytical index shall be kept for each minute book.
- (11) When a division takes place on any question, the votes of the members shall be recorded if required by one of the members.
- (12) No order or authority shall be recognized as emanating from any Committee unless it is in writing, signed by the Chairman or acting Chairman, or Secretary, and refers to the minute of the Committee under which it is issued.

12. In case any contract, order, engagement, report, recommendation, instruction, nomination, claim, account, or proceeding of any Committee shall be objected to by the Finance Committee on any of the grounds set forth in Section 6, Article VI., of these By-Laws, and the same is appealed against by any member of the Board, the subject so appealed shall only be adopted or passed by the Board upon a two-thirds vote of the Board being recorded in favor thereof.

13. All reports of Committees involving the expenditure of money shall be submitted to the Finance Committee before presentation to the Board. The minutes of proceedings and

reports of Committees shall be furnished to the Finance Committee from time to time, if required by the Finance Committee. A summarized statement of all expenditures made and estimated, and ascertained liabilities incurred during the previous month, shall be furnished by each other Committee to the Finance Committee up to the end of the last day of the month, and at most not later than the fifth day of every month thereafter, in the form or to the effect of Schedule A. (See page 508.)

VI.

FINANCE COMMITTEE.

The Finance Committee shall:—

1. Have the supervision of all the fiscal concerns of the Board, and report the condition of the various funds.
2. Prepare a detailed statement of the estimates of money necessary to be raised by the City (or Town) Council for the support of the schools, and report the same for the action of the Board not later than the first regular meeting in April.
3. Examine all accounts presented to the Board, and consider and report on all matters referred for report.
4. Audit bills and accounts when countersigned by the Chairman of the Committee having such bills or accounts in charge.
5. Insure school property and report the same to the Board.
6. Have power to report against any contract, order, engagement, report, recommendation, instruction, nomination, claim, account, or proceeding involving the expenditure of money, in case the same shall:—
 - (a) Not comply with the Law, or with the By-Laws or Regulations of the Board;
 - (b) Exceed the appropriation made to the Committee reporting;

- (c) Exceed the appropriation for the special work or service reported on ;
- (d) Require the expenditure of money beyond the Estimates for the year for any work or service ;
- (e) When an instruction contemplating an expenditure of the funds of the Board shall have been given to the Committee by a majority of less than two-thirds of the members then present and voting.

7. Forbid the signing or delivery of any cheques, or of any security, or the payment of any money, if deemed expedient so to do, until the matter be further considered, or be referred to the Board.

8. Have the supervision of the Treasurer and officers in his department ; of the books, accounts, documents, vouchers, money, debentures, and securities of the Board ; see that all duties and services which ought to be performed by the Treasurer, and officers in his department, are performed, and advise the Treasurer, when required, in all matters pertaining to his office.

9. Regulate all matters connected with the receipt and payment of money ; order the adoption of such regulations in connection therewith as may be deemed necessary for the prevention of any payment being made in contravention of the By-Laws, and generally manage the financial affairs of the Board.

10. Cause to be furnished to the Board, not later than the second meeting of the Board in every month, after the passage of the Estimates, a report as per Schedule B. (See page 508.)

VII.

MANAGEMENT COMMITTEE.

The Management Committee shall :—

- 1. Be divided into the following sub-committees, each con-

sisting of three members, except the sub-committee on teachers, which shall consist of six members, one from each ward :—

- (a) Discipline, Health, and Physical Development.
- (b) Programme of Study.
- (c) School Limits, Grading, and Transfers of Pupils.
- (d) Teachers.

2. Have supervision of the examination of all applications for situations as teachers in the day schools.

3. Make nominations to fill all vacancies whenever they occur, subject to the approval of the Board.

4. Have power to suspend teachers for misconduct, and make temporary appointments in case of vacancies ; but such action shall be reported to the Board for approval at the next meeting.

5. At the second regular meeting in February of each year present to the Board a report stating the various localities in which additional school accommodation is required.

6. Visit the schools as frequently as possible, noting the character of the discipline and system of instruction adopted, and the progress made by the pupils, and present a report to the Board of the result of such visits.

7. Submit such regulations for the efficient management of the schools as may be deemed expedient, having regard to the arrangement of classes, the course of study, and the order and decorum of the pupils.

VIII.

PROPERTY COMMITTEE.

The Property Committee shall :—

1. Be divided into the following sub-committees, consisting of four members each :—

- (a) Sites and New Buildings.

(b) Warming and Ventilation.

(c) Repairs and Alterations.

2. Have the general supervision of school buildings and grounds.

3. Report to the Board from time to time upon the expediency of purchasing, building, altering, repairing, enlarging, or improving any school property.

4. Make nominations for the position of Caretaker, subject to the approval of the Board.

5. Have charge of all buildings, and study the most economical and desirable changes that may be necessary, and report the same to the Board.

6. Have charge of all warming apparatus in the schools.

7. At the first regular meeting in April make a detailed report in writing of the character and extent of the repairs and improvements recommended to be made to the schools and premises during the current year.

IX.

SUPPLY COMMITTEE.

The Supply Committee shall:—

1. Report to the Board all matters that ought to be printed.

2. Superintend all printing ordered by the Board.

3. Have charge of all movable school furniture and apparatus except stoves, and the providing of all necessary supplies for the schools.

4. Make at the close of each year a complete list of the movable property of the Board, with a detailed statement of transactions for the year, giving the amount of purchases, the cost per scholar of the same, and the value of the stock on hand, with a statement of the aggregate cost of supplies as compared with the previous year.

5. Report upon all books, stationery and other supplies proposed to be used in the schools, and advertise for tenders for furnishing the schools with books, stationery and other supplies for the year.

X.

NIGHT SCHOOL COMMITTEE.

The Night School Committee shall :—

1. Have supervision of the examination of all applications for situations as teachers in the night schools.
2. Make nominations to fill all vacancies whenever they occur, subject to the approval of the Board.
3. Have power to suspend teachers for misconduct, make temporary appointments in case of vacancies ; but such action shall be reported to the Board for approval at the next meeting.
4. Visit the schools as frequently as possible, noting the character of the discipline and system of instruction adopted, and the progress made by the pupils, and present a report to the Board of the result of such visits.
5. Submit such regulations for the efficient management of the schools as may be deemed expedient, having regard to the arrangement of classes, the course of study, and the order and decorum of the pupils.

XI.

MONEY APPROPRIATIONS, ACCOUNTS, EXPENDITURES,
CONTRACTS AND IMPROVEMENTS.

1. All appropriations of money shall be submitted to the Board in Committee of the Whole before adoption by the Board.
2. Every contract with the Board shall be in writing, and when the amount exceeds \$100 the performance thereof shall be secured by bond, with two sureties in double the amount, to the satisfaction of the Board ; and when the amount is less than \$100 the bond may be taken, if deemed advisable.

3. No contract for an amount exceeding \$100 shall be entered into by the Board until tenders shall have been called for, and no tender shall be considered unless accompanied by an accepted cheque, payable to the order of the Secretary-Treasurer, or a cash deposit equal to five per cent. of the amount of tender, and the deposit shall remain in the custody of the Board until the contract to which such tender relates is awarded, and the deposits of the unsuccessful tenderers shall then be returned to them, but the deposit of the successful tenderer shall not be returned until the receipt by the Board of the contract and bond, properly executed. In case a tender has been accepted and the tenderer fails to execute the contract and requisite bond, the deposit shall be forfeited to the use of the Board.

4. Prior to the introduction and passing of the Annual Estimates of Receipts and Expenditure, all resolutions of the Board proposing to authorize the expenditure of money shall only be passed subject to a reference to the Finance Committee, to estimate for the same; and after the introduction and passing of the Estimates, such By-Laws or resolutions shall only be passed subject to a two-thirds vote of the Board for such reference, in order that the said Committee may consider the means of providing funds for the same; and in neither case shall any Committee, or officer of the Board, act upon any such By-Law or resolution until a report of the Finance Committee, certifying the mode of providing funds, has been adopted by the Board.

5. No work or improvement shall be authorized by the Board without either an estimate of the probable cost thereof, or (in the absence of an estimate) limiting an amount therefor; and no contract shall be entered into for such work or improvement at a larger sum, or involving a greater expenditure than the amount so estimated or limited, until funds therefor shall be reported by the Finance Committee to the Board.

6. When money is duly authorized to be expended for any purpose, the amount to be expended shall be credited to an

account to be opened for the object for which the money is voted, and all expenditures in respect thereof shall be charged to such account.

7. When all amounts properly chargeable against an account have been charged, any balance remaining shall, on resolution of the Board, be transferred to an account to be called "Surplus Account."

XII.

DUTIES OF THE INSPECTORS.

The Inspectors shall :—

1. Attend all meetings of the Board and Management Committee ; and other Committees to which they or either of them may be summoned.

2. Make monthly reports to the Board of the attendance of teachers and pupils, and give the names of teachers absent, the cause of such absence, and such other matter as should be reported, including a tabular statement showing the attendance of each department during the preceding month, and the number of pupils suspended from each school during the month.

3. Make an Annual Report, and submit the same to the Board on or before the 31st day of January in each year, recording the position of the schools in regard to statistics, cost, system of teaching, examinations, and such other matters as should be reported.

4. Make arrangements for a regular exchange of reports between this and other Boards, and cause all such reports to be properly classified and preserved.

5. Prepare all Departmental Reports.

6. Direct the work of the Supervising Principals and special teachers.

7. Report on the fitness of teachers on trial for permanent appointment.

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8. Investigate charges against teachers.

9. Prepare recommendations for the Management Committee, said recommendations to be sent out so as to reach the members of the Committee one day before the meeting of the Committee.

The Senior Inspector shall, under the direction of the Management Committee :—

1. Attend to the correspondence of the office.

2. Have the special direction of the classes below the Third Book.

3. Have supervision of methods of teaching Reading, Spelling, Arithmetic, Writing, Geography, Bookkeeping, Hygiene, and Object Lessons.

4. Direct the work of teachers on trial.

5. Conduct the Promotion Examinations in the schools.

6. Approve of orders for Free Text-Books and Supplies before they are filled by the Secretary-Treasurer.

7. Supervise the teaching in the Industrial Schools.

8. Consult with the Police Commissioners in carrying out the Truancy and Compulsory Regulations.

9. Direct the work of Kindergarten Supervision and Training.

10. Attend the meetings of the Supply Committee.

11. Hold meetings of all teachers four times each year, on Fridays at 4.15 P.M., and special meetings of grades or principals, provided that no teacher shall be required to attend meetings oftener than once a month.

12. Visit schools when not in the office.

13. Perform such other duties as the Management Committee or the Board may direct.

14. Be in the office on Saturday from 9 to 1; on Wednesday from 9 to 9.30, and from 3.30 to 6; and on every other school day from 9 to 9.30, and from 2 to 4.30.

The Junior Inspector shall, under the direction of the Management and Night School Committees :—

1. Deal with appeals from the decisions of the Supervising Principals.
2. Have special direction of the classes above the Second Book.
3. Have supervision of methods of teaching Literature, Grammar, Composition, History, Algebra, and Geometry.
4. Superintend the preparation of the Teachers' Monthly Time Sheet, and the reductions to be made on account of absence.
5. Conduct the Departmental and Night School Examinations.
6. Hold special meetings of Principals or of teachers above the Second Book when necessary.
7. Supervise the work of the Night Schools and attend all meetings of the Night School Committee.
8. Visit schools when not in the office.
9. Perform such other duties as the Management Committee, the Night School Committee, or the Board may direct.
10. Be in the office on Saturday from 9 to 1; on Wednesday from 3 to 6; and on every other school day from 3 to 4.30.

XIII.

DUTIES OF THE SECRETARY-TREASURER.

The Secretary-Treasurer shall :—

1. Attend all meetings of the Board, and Committees thereof.
2. Record the minutes of the proceedings of such meetings.
3. Keep books of accounts showing the Income, Expenditure, and Liabilities of the Board, and the state of its accounts with the City (or Town) Treasurer.
4. In conjunction with the Chairman of the Board, sign all cheques and orders upon the City (or Town) Treasurer.

5. Notify each member of each meeting of the Board at least twenty-four hours previous to the time at which such meeting is to take place.

6. Notify each member of a Committee of each meeting of the Committee to which such member may belong.

7. Conduct the correspondence of the Board, except that pertaining to the duties of the other officers of the Board.

8. Receive, classify, and submit all letters, accounts, and other documents for the Board and Committees.

9. Prepare and take charge of all reports, except those of other officers of the Board.

10. Make returns of salaries; prepare orders for payment, and keep detailed accounts of all expenditure which may be necessary to show clearly from day to day the receipts and disbursements, and all other reckonings of every nature and kind connected with the financial transactions of the Board.

11. Superintend the distribution of school supplies and requisites, under the direction of the Supply Committee.

12. Collect and receive from the various schools books and supplies to be returned to the Board.

13. Keep two books in connection with the issue of Free Text-Books—one a Stock Book, showing the total amount of books purchased, the books delivered to the several schools, the books returned, the books rebound, and the books on hand at the close of the year; and the other a Ledger, in which an account shall be kept with each school, showing the books issued, the books (new and old) returned, and the books still on hand in each school.

14. Issue orders of the Board and Committees, and generally act under the authority of the Board, the Chairman, the Committees and Chairmen thereof respectively.

15. Deliver copies of all reports to each member of the Board at least twenty-four hours prior to the meeting at which said reports are to be considered, provided always that this rule

may be suspended in special cases by a two-thirds vote of the members present.

16. Keep a book in which all orders of the Board and references to committees, officers, or employees shall be regularly noted, with date of entry and time when each is to be considered or reported back, as the case may be, and present such book to the Chairman of the Board or Committee thereof, as the case may be.

17. Endorse and promptly submit for consideration and report every matter referred to any officer or Committee.

18. Advise the Finance Committee in all matters relating to the financial operations of the Board.

19. Give security as required by law to the satisfaction of the Board, either by bond, with good and sufficient personal sureties, or by the covenant and undertaking of any good and sufficient company or association, duly incorporated for granting bonds or suretyship for parties holding positions of trust, to an amount to be fixed by the Finance Committee.

20. Act as custodian of all evidences of titles, deeds, mortgages, leases, bonds, agreements, or other instruments relating to the property and rentals of the Board, and only allow the same to be taken from his office on the order of the Board, or of the Chairman, or on the requisition and receipt of the Solicitor, for use in any legal procedure, or on an order to produce of any Court of law or equity.

21. Act as custodian of all bonds and securities of fidelity given for the discharge of the duties of the officials and servants of the Board, save his own, which shall be deposited with the Solicitor.

22. Make payments and disbursements according to the By-Laws, Rules and Regulations of the Board, or by statutory or other authority, and advise with the Finance Committee or the Board when appropriations therefor are exhausted.

23. Superintend the transactions of his department and of

his subordinates, and duly compare, check, and verify the entries of receipts and disbursements with the accounts and vouchers for the same, and with the books of the office.

24. Prepare the accounts and transactions of his department for monthly audit by the City (*or* Town) Auditors.

25. Supply all information relative to the finances of the Board, and all other matters connected with his office, when required.

26. Conform to all directions of the Finance Committee consistent with law and to the By-Laws of the Board.

27. Attend in his office from 9 A.M. to 4 P.M., except on Saturdays, when he shall attend there from 9 A.M. to 1 P.M. During the summer vacation, his office shall be open to the public daily until 1 o'clock P.M.

XIV.

AUDITORS.

The Auditors shall :—

1. Be the Auditors for the time being in the employ of the corporation of the City (*or* Town) of ———.

2. Audit monthly the accounts and transactions of the Board, and also verify, attest, and report yearly on the annual abstract and report of receipts and expenditures.

XV.

DUTIES OF THE SOLICITOR.

The Solicitor shall :—

1. Attend all meetings of the Board and Standing Committees to which he may be summoned.

2. Draft all such petitions or memorials as may be presented by the Board to the Lieutenant-Governor, or the Legislature, and all Acts of Parliament which may be required by the

Board ; give all the necessary notices of application for such Acts, and attend to the passage thereof through the Legislature.

3. Prepare all contracts as hereinafter provided, and agreements between the Board and the officers, teachers, and caretakers.

4. Prepare all contracts for building and repairing in duplicate ; when completed, deposit one with the Secretary-Treasurer and the other with the Superintendent of Buildings. Contracts for supplies need not be in duplicate, and, when completed, will be lodged with the Secretary-Treasurer.

5. Prepare or revise all advertisements for tenders before the same are published, revise all draft reports of Committees recommending the acceptance of tenders before same are signed, and generally revise and promptly report upon every contract matter or act by which the Board could in any way incur liability before the same has been finally passed upon by the Board.

6. With the Secretary attend at the office of the Assessment Commissioner, or other proper officer, at the proper times in each year, and examine the names and addresses of all persons and corporations rated as supporters of other than Public Schools, and see that all persons and corporations who should be rated as supporters of Public Schools are so rated, and report at the earliest possible date to the Finance Committee the result of his investigations. In the absence of special instructions to the contrary, it shall be the duty of the Solicitor in each case of incorrect assessment to take all necessary steps to appeal therefrom, and have all errors rectified and forthwith report to the Finance Committee that he has done so.

7. Advise the Board and Committees, and the Chairman of the Board, on any question of law submitted for that purpose ; and generally give due and proper attention to all the business pertaining to the Law Department of the Board, as may be required.

XVI.

DUTIES OF THE SUPERINTENDENT OF BUILDINGS.

The Superintendent of Buildings shall:—

1. Attend all meetings of the Board and of the Property and Supply Committees, and of any other Committee to which he may be called.
2. Make an Annual Report, and submit the same to the Board on or before the 15th day of January in each year, recording the value of the school buildings, sites, and furniture of the Board, noting the increase or depreciation in value as compared with the report of the previous year; how each school is seated, and the condition of the seats and desks; the system of heating and the amount of fuel consumed, and such other matters as should be reported.
3. Have charge of all supplies for the use of caretakers in the performance of their duties; and, under the Supply Committee, superintend the distribution of the same; and keep a separate account thereof with each school.
4. Have, under the said Committee, the care of the furniture of the schools, and see that all furniture supplied to the schools is strictly according to the contract under which it is purchased.
5. Report in detail to the Property Committee on or before the first day of April in each year the improvements and repairs which, in his opinion, shall be undertaken by the Board during the year.
6. Prepare all necessary plans and specifications, and working drawings with proper tracings, estimates, etc., for all buildings of whatever kind to be erected by the Board, and also of the repairs when ordered by the Property Committee, such plans to be the exclusive property of the Board.
7. Superintend all buildings in course of erection, visit them as often as may be deemed advisable, and see that all work and materials conform strictly to contract.

8. Report to the Property Committee at meetings thereof the progress of buildings in course of erection, and that in respect to character and time they are being erected according to the contract, as the case may be.

9. Certify all accounts passing through his office, and be responsible for the correctness thereof.

10. Superintend all repairs ordered by the Property and Supply Committees.

11. Have authority to order any small repairs requiring immediate attention, not involving an expenditure of more than ten dollars, and report the same to the proper Committee at the next meeting thereof.

12. Have charge, under the proper Committee, of all the supplies and materials for repairs, superintend the distribution of the same, keeping a proper record thereof for each school, in books provided for the purpose.

13. Have the supervision and control, under the direction of the Property Committee, of all caretakers employed by the Board.

14. Have authority, with the approval of the Chairman of the Board, to suspend any caretaker neglecting duty, supply the vacancy, and report the same to the Property Committee at the next meeting thereof.

15. See that all buildings, grounds, and other property belonging to the Board, in charge of caretakers, are kept in a good and cleanly condition, and that the caretakers fulfil their duties in all respects according to the By-Laws.

16. Attend to the proper warming and ventilation of the schools, and to repairs in steam-heating apparatus, furnaces, stoves, and stove-pipes.

17. Inspect all school buildings periodically, and keep a record of the condition thereof at the time of such visit in a book to be kept for that purpose.

18. Provide himself with a horse and conveyance, and keep and maintain the same at his own expense.

19. Have charge, under the direction of the Property Committee, of all mechanics and laborers employed by the Board, and keep a record of their services.

20. Attend in his office from 2 to 4 P.M. on Mondays, Wednesdays, and Fridays.

XVII.

DUTIES OF THE SPECIAL TEACHERS AND THE DRILL INSTRUCTOR.

1. Each of the special teachers shall, at the close of each term, report fully to the Senior Inspector upon the work under the charge of the teacher during the term.

2. The Drill Instructor shall :—

(a) Give instruction in drill to the pupils of the Public Schools, under the direction of the Management Committee.

(b) Attend all meetings of the Board and perform such other duties as may be required of him.

XVIII.

AMENDMENTS.

No amendment or addition to any by-law or regulation or resolution of the Board shall be made unless due notice setting forth the proposed amendment or addition shall have been given at a meeting previous to that at which the same comes up for discussion, and it shall require a two-thirds vote to carry any amendment or addition, and all by-laws, regulations, and resolutions of the Board inconsistent with these By-Laws are hereby repealed.

SCHEDULE "A."

Return of Expenditure and Liabilities incurred by Committee on.....
up to.....18....

SERVICE.	AVAILABLE.			EXPENDED.	Asc't'd and Estimated Liabilities.	Total Expenditure and Liabilities.	BALANCE.	
	Balance from 18—.	Appropriations 18—.	TOTAL.				Surplus.	Deficit.

I certify the above to be a correct Return.

COMMITTEE ROOM,18..

Chairman.

SCHEDULE "B."

Return by the Finance Committee of the Expenditure and Liabilities incurred by the several Committees up to.....18....

SERVICE.	(Part 1. Per TREASURER'S BOOKS.)			EXPENDED.	(Part 2. Per RETURNS FROM COMMITTEES, etc.)			
	AVAILABLE.				Asc't'ned and Esti- mated Lia- bilities.	Total Ex- penditure and Lia- bilities.	BALANCE.	
	Balance from 18—.	Appropri'ns 18—.	TOTAL.				Surplus.	Deficit.

TREASURER'S OFFICE,

.....18....

Chairman.

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e on.....

BALANCE.

Surplus. Deficit.

Chairman.

Liabilities
8....

COMMITTEES, etc.)

BALANCE.

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Chairman.

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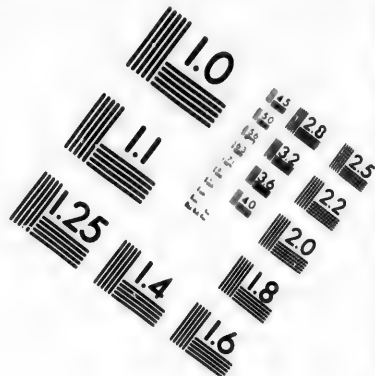
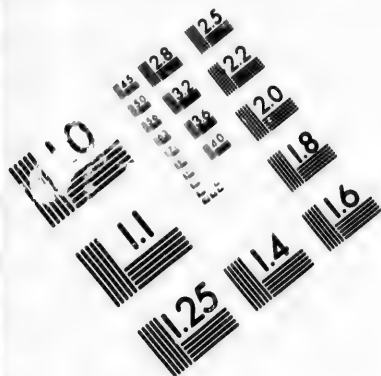
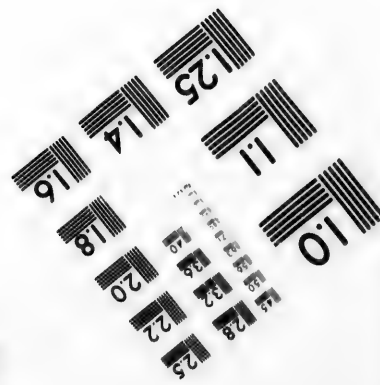
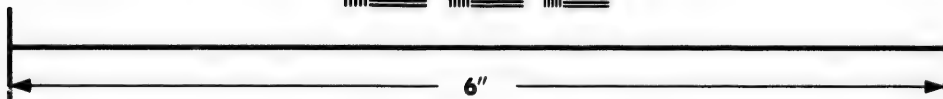
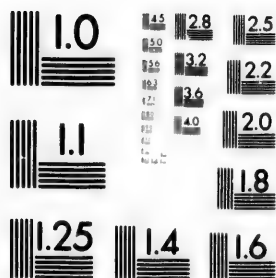


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